




Legal Protection for Notaries Managing Protocols of Other Notaries: A Preventive and Repressive Approach in Indonesia

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Abstract

Introduction: Legal protection for notaries who hold other notary protocols is a crucial issue in the Indonesian legal system to maintain the integrity of authentic deeds.

Purposes of the Research: This research aims to analyze the responsibilities and forms of preventive and repressive legal protection for notaries who receive the protocol.

Methods of the Research: Using normative research methods with legislative and conceptual approaches, this study examines primary, secondary, and tertiary legal sources.

Findings of the Research: The main findings show that preventive protection is inadequate in the Law on Notary Offices related to the submission of protocols, while repressive protection through civil and criminal law mechanisms faces challenges in proving errors. This study identifies that the Notary Position Law needs to be clarified regarding the limitations of the responsibility of notaries who receive the protocol, especially related to negligence that occurred before the protocol was submitted. The contribution of this research is to provide concrete recommendations for the improvement of regulations to create legal certainty and notary professionalism in the management of vital state archives.

Keywords: Law; Notary; Protection; Protocol.

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INTRODUCTION

Indonesia is a state based on the rule of law, which regulates all forms of legal regulations that function to sustain life in society, the nation, and the state. Generally, in a state based on the rule of law like Indonesia, all trust is placed in the state's authority, which operates through a legal system deemed sound and fair for all elements of the state. This includes both the people and the government, which holds positions of power. One example is the notary, who plays a crucial role by providing services to the public through the creation of authentic deeds. These deeds serve both as legal evidence and as an absolute requirement for carrying out certain legal actions.

The existence of a Notary as an official who has the authority to draw up deeds is regulated in article 15 paragraph (1) of Law Number 2 of 2014. This article explains that a Notary has the authority to draw up authentic deeds relating to various types of agreements, stipulations and actions that are required by existing regulations or requested by various interested parties to be stated in the form of authentic deeds. Apart from that, the notary has the responsibility to ensure the certainty of the date when making the deed, as well as storing the deed and providing a copy, quotation and grosse of the deed. All of these duties are carried out unless the preparation of the deed is transferred or excluded to

officials or various other parties as determined by existing regulations.¹ Notaries also recognize the maximum age limit for carrying out their duties as Notaries, as stipulated in the Notary Law. Article 8 paragraph (1) of Law Number 30 of 2004 states that a Notary may resign or be honorably dismissed from their position due to: a). Death; b). Reaching the age of 65 (sixty-five) years; c). At their own request; d). Mentally and/or physically incapacitated; e). Holding concurrent positions as referred to in Article 3 letter.

Referring to Article 8 paragraph 1 letter b, if a Notary has reached the age of 65 (sixty-five) years, this can be extended for 2 (two) years, taking into account the Notary's health, so that the Notary's term of office is 67 years, in accordance with the provisions contained in Article 8 of the Notary Law. The obligation of a Notary whose term of office has ended is to notify the Regional Supervisory Council in writing of the end of his term of office and to propose another Notary as the holder of the protocol within 180 (one hundred and eighty) days or at the latest 90 (ninety) days before the Notary reaches the age of 65 years. Even though the protocol of the Notary who has retired has been transferred to another Notary, but the responsibility for the Notary's protocol remains with the Notary who has retired.²

Notary Protocols are State Archives, and therefore must be stored and maintained by Notaries with full responsibility. Article 1, point 13 of Law Number 30 of 2004 states that a Notary Protocol is a collection of documents that constitute state archives that must be stored and maintained by Notaries in accordance with statutory provisions. The storage and maintenance of the Notary Protocol continues even if the Notary concerned has reached the age of 65 (sixty-five) years or has died.

The responsibility borne by the Notary who receives and keeps the Notary protocol must receive legal protection, especially from the organization that protects it, and it is even possible that it will receive legal protection from law enforcement agencies that the notary who holds and keeps the protocol is only a witness who can be asked for information regarding the minutes of the deed he received if there is a legal dispute related to the protocol that is within the authority of the keeper. The form of legal protection in the transfer of a notary's protocol and its limitations are essential to achieving justice and legal certainty. This will ensure that the notary holding the protocol is protected and when and in what circumstances they must share responsibility.

The 2004 and 2014 Notary Laws do not regulate the form and limits of legal protection for notaries receiving the protocol. Therefore, a better understanding of the status of notaries receiving a retired notary's protocol and the responsibilities and accountability of the notary providing the protocol is essential. Based on the background outlined above, the problem formulations proposed in this paper are: 1). What are the responsibilities of a Notary Public holding a protocol; 2) What is the legal protection for Notaries holding a protocol.

METHODS OF THE RESEARCH

This study uses a normative legal research method with a statutory and conceptual approach. Data were obtained through a literature review of primary, secondary, and tertiary legal literature. The legal material collection technique used a literature study, which was then analyzed qualitatively to answer the problems being studied.

¹ Indonesia Legal Center Publishing, *Collection of Legislation on the Position of Notary & PPAT*, (Jakarta: Karya Gemilang, 2008), p. 37.

² Nur Aisah, "Responsibility of Notaries After the End of Their Term of Office Regarding Deeds Made by/Before Them", Islamic University of Indonesia, 2018, p. 9.

RESULTS AND DISCUSSION

A. Responsibilities of Notaries Holding Protocols

Notaries, as public officials authorized to issue authentic deeds, are liable for their actions related to their work. The scope of a notary's responsibility includes ensuring the material accuracy of the deeds they issue. As an extension of the government, serving the public, a notary must fulfill several criteria, both within and outside of their position as a notary, namely:³ a) Self-Responsibility: Responsibility is a person's awareness of their own behavior or actions, whether intentional or unintentional. Responsibility also means acting as a manifestation of an awareness of one's obligations;⁴ b) Responsibility to Society: It is known that humans are social creatures who need other people to carry out their lives. Therefore, humans need communication with others, which fosters a sense of responsibility among them for their shared survival. Based on this, notaries are seen as needing other people, such as notary employees, external parties involved in the notary's work, and clients. Notaries are responsible for all aspects of the notary's office, ensuring its smooth operation and providing security and excellent service to the public, regardless of social status; c) Responsibility to the Nation and State: Every individual in a country is a citizen of that country, just as every individual residing in Indonesia is an Indonesian citizen, including notaries. Therefore, everything they do, think, and behave in is always linked to the applicable regulations of that country. If a citizen does something that violates existing regulations, they can be held accountable, possibly subject to sanctions or fines;⁵ d) Responsibility to God: Responsibility to God is similar to responsibility to oneself. Although this responsibility to God is invisible, it relates to being accountable for one's actions throughout one's life. The actions or behavior we engage in are related to carrying out God's commands according to the teachings of our respective beliefs and avoiding what He forbids;⁶ e) Moral Responsibility: If ethics are absent in human life, humans cannot become noble beings. Generally, morality is associated with ethics and has two meanings: a set of human behavioral values and ethical characteristics that serve to distinguish human actions from normative values (morality), and must possess high integrity. Those who practice law will always be the target of public scrutiny regarding whether the law is being enforced effectively; f) Responsibility to the Organization: In addition to carrying out the duties entrusted by the State to create authentic deeds, a Notary must also possess good character and dignity, upholding the good name of the profession and the Indonesian Notaries Association. The Notary profession is specifically regulated in the Notary Law to ensure that Notaries remain on the right path. Furthermore, the Notary Code of Ethics specifically regulates the conduct and morals of a Notary in carrying out their duties; g) Notary Liability in Civil Law. Civil legal liability cannot be separated from the element of an unlawful act. An unlawful act is an act committed against the law, involving error, and resulting loss. The term "unlawful act" is broadly defined, meaning an act not only violates the law but also violates decency, morality, or the rights of others, resulting in loss. An act is categorized as an unlawful act if the act violates the rights of others, is contrary to the legal obligations of the perpetrator, is contrary to morality, is contrary to propriety in paying attention to the

³ Muhammad Afif Ma'aruf, and Widhi Handoko, "Notary's Responsibility for the Transfer of Notarial Protocols Assigned to Him," *Notarius* 16, no. 3 (2023), p. 1535

⁴ Putri, J. I., *Humans and Responsibility*, (2012).

⁵ Eko, P.P., "The Position and Responsibilities of a Notary Receiving a Protocol from a Deceased Notary," *Journal of Islamic Law* no. 5, (2020).

⁶ Mohamad, G., *Responsibility to Oneself*, (2018).

interests of oneself and the property of others in everyday life. This requires a Notary to be neutral and impartial and provide a kind of legal advice for clients who ask for legal guidance from the Notary concerned. In line with this, the Notary can be held responsible for the material truth of a deed if the legal advice he provided turns out to be wrong later;

h) Notary Responsibilities in Criminal Law: According to Hermin Hediati Koeswadi, an unlawful act in a criminal context, or an act prohibited by law and punishable by punishment, has the following elements:⁷ 1) Objective elements are elements external to humans, which can include: (a) An act or behavior prohibited and punishable by criminal sanctions, such as falsifying documents, perjury, or theft; (b) A specific consequence prohibited and punishable by criminal sanctions by law, such as murder or assault; (c) Circumstances or things specifically prohibited and punishable by criminal sanctions by law, such as incitement or violation of public morality. 2) Subjective elements, namely elements found within humans. Subjective elements can include: (a) Accountability; (b) Error. Forms of unlawful acts committed by Notaries in criminal law.

Unlawful acts by Notaries in the realm of Criminal Law include falsification of documents or letters as regulated in the provisions of Article 263 paragraph (1) and (2) of the Criminal Code which states that: "Anyone who makes a false letter or falsifies a letter that can give rise to a right, obligation or release from debt, or which is intended as evidence, with the intention of ordering another person to use the letter as if its contents were true and not false, is threatened if the use can cause a loss, due to the falsification of the letter, with a maximum prison sentence of six years. "Anyone who intentionally uses a fake or falsified document as if it were genuine, if the use of the document could cause harm, shall be subject to the same penalty. Meanwhile, Article 264 paragraphs (1) and (2) of the Criminal Code states that: Forgery of documents is punishable by a maximum imprisonment of 8 (eight) years if committed against: a) Authentic Deeds; b) Debt letters or debt certificates from an entity; c) The state or a subdivision thereof or a public institution; d) Debt certificates or debt certificates from an association, foundation, corporation, or airline; e) Talon, proof of dividends or interest from one of the documents described in 2 and 3, or proof issued in lieu of such documents; f) Letters of credit or trade letters intended for circulation. Anyone who intentionally uses the letter mentioned in the first paragraph, the contents of which are not true or which are falsified as if they were true and not falsified, is threatened with the same punishment if the falsification of the letter can cause loss; i) Notary Responsibilities under the Notary Law: Regarding the Notary Law's responsibilities, this is explicitly stated in Article 65 of the Notary Law, which states that "Notaries, substitute Notaries, special substitute Notaries, and acting Notary Officials are responsible for every deed they create, even if the Notary's protocol has been submitted or transferred to the Notary's protocol custodian."

The provisions for sanctions in the Notary Law are regulated in Chapter XI Article 84 and Article 85. Article 84 states "that any violation committed by a Notary against the provisions as referred to in Article 16 paragraph 1 letter i, Article 16 paragraph 1 letter k, Article 41, Article 44, Article 48, Article 49, Article 50, Article 51 or Article 52 which results in a deed only having the power of proof as a private deed or a deed being null and void by law can be a reason for the party who suffers a loss to demand reimbursement of costs, compensation and interest from the Notary," so the provisions of Article 84 of the Notary Law indicate that formally the Notary is responsible for the validity of the authentic deed

⁷ Liliansa Tedjosapatro, *Notary Practice and Criminal Law*, (Semarang: Agung, 2001), p. 51.

he made and if it turns out that there is a legal defect so that the deed loses its authenticity and is detrimental to the interested party, the Notary can be sued to replace the costs, damages and interest. Regarding the sanctions imposed on the Notary as an individual according to Article 85 of the Notary Law, these can be:⁸ 1) Verbal warning; A warning is the lightest sanction because it is delivered verbally. However, warnings are not only issued by the Notary Honorary Council; they are also issued directly by officials of the Indonesian Notaries Association. Because the warning is direct, this violation often does not require an internal meeting of the Notary Honorary Council before imposing a warning.⁹ 2). Written warning: The second sanction is a written warning issued by the Notary Honorary Council to the notary in question. Unlike a warning, to issue this warning, the Notary Honorary Council requires an internal meeting before issuing a warning. This is because, in the case of a warning, the Notary Honorary Council includes the identity of the Notary Honorary Council in the warning letter sent to the violating notary.¹⁰ 3). Temporary suspension: The temporary suspension of a notary is regulated by Article 9 of Law Number 30 of 2004 concerning the Position of Notaries, as amended by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notaries. The grounds for temporary suspension of a notary from their position are as follows: a) In bankruptcy proceedings or suspension of debt payment obligations; b) Under guardianship; c) Committing a disgraceful act; d) Violating the obligations and prohibitions of the position and the notary code of ethics; e) Currently serving a period of detention. Before a notary is temporarily suspended by the minister through the central supervisory board, the notary is given the opportunity to defend himself or herself before the supervisory board in a tiered manner. A notary who has been temporarily suspended due to bankruptcy proceedings and is under guardianship may be reinstated as a notary by the minister after their rights have been restored. Likewise, notaries whose reasons for temporary dismissal are based on committing reprehensible acts and violating obligations, prohibitions and codes of ethics can be reappointed as notaries by the minister after the period of temporary dismissal for these reasons has ended, which is a maximum of six months. 4) Honorable dismissal; or A notary is honorably dismissed from office due to the following reasons: a) Death; b) Having reached the age of sixty-five; c) At his/her own request; d) Being mentally and/or physically unable to carry out the duties of a notary public continuously for more than three years; e) Holding concurrent positions, whether as a civil servant, state official, advocate, or holding other positions prohibited by law.

The dismissal of a notary public on the grounds of having reached the age of sixty-five may be extended to sixty-seven years, taking into account the health of the notary public, as stipulated in Article 8 of Law Number 30 of 2004 concerning the Position of Notary Public. 5). Dishonorable Dismissal: The fifth sanction is honorable dismissal from association membership and dishonorable dismissal from association membership. After the sanctions for violations have been decided by the Notary Honorary Council, the Notary Honorary Council will notify the Supervisory Board of the dismissal. This sanction can be imposed if the Notary violates the provisions stipulated in the Notary Law, namely violating Article 7, Article 16 paragraph 1 letters d-k, Article 17, Article 20, Article 27, Article 32, Article 37, Article 54, Article 58, Article 59, and/or Article 63.

⁸ Habib Adji, *Indonesian Notary Law, Thematic Interpretation of Law No. 30 of 2004 Concerning the Position of Notary*, (Bandung: Rafika Aditama, 2008), p. 50

⁹ Latifah. Notary's Responsibility in Violating the Notary Code of Ethics. *Officium Notarium* 1, no. (2021), p. 148.

¹⁰ *Ibid.*

1. The responsibility of a Notary in carrying out his/her duties is based on the Notary Code of Ethics.

The relationship between the Notary Code of Ethics and the Notary Law is regulated in Article 4, which concerns the oath of office. Through his/her oath, a Notary promises to maintain his/her attitude and behavior and will carry out his/her obligations in accordance with the professional code of ethics, honor, dignity, and responsibilities as a Notary. The Notary Law and the Notary Code of Ethics require that in carrying out their duties as public officials, not only must comply with the Notary Law but also must comply with the professional code of ethics and must be responsible to the community they serve, professional organizations (the Indonesian Notary Association or INI) and to the State.

According to Abdulkadir Muhammad, in carrying out their duties, a Notary Public:¹¹ 1) Notaries are required to execute deeds properly and correctly. This means that the deeds they create fulfill the legal requirements and the requests of the interested parties due to their position; 2) Notaries are required to produce quality deeds. This means that the deeds they create comply with legal regulations and the wishes of the interested parties in the true sense. Notaries must explain to interested parties the accuracy of the contents and procedures of the deeds they create; 3) Positive impact, meaning that anyone will recognize a Notarial deed as having full evidentiary force. In this regard, a Notary Public must not intentionally do anything that could render an authentic deed as merely a private deed.

Violations related to the Notary's code of ethics are actions or deeds carried out by members of the Indonesian Notary Association or other people who hold and carry out the position of Notary which violate the provisions of the code of ethics and/or organizational discipline. Regarding sanctions as a form of effort to enforce the Notary's code of ethics for violations of the code of ethics, it is defined as a punishment intended as a means, effort and tool to force obedience and discipline of Notaries. Sanctions in the Notary's code of ethics are set out in Article 6 which states that sanctions imposed on members who violate the code of ethics can be in the form of reprimands, warnings, schorsing (temporary dismissal) from association membership, onzetting (dismissal) from association membership and dishonorable dismissal from association membership.

2. Notary's Responsibility for Maintaining Notarial Protocols in Indonesia

When a Notary applies for appointment as a Notary Public, they are always asked to accept the protocols of other Notaries. It is their legal obligation to accept these protocols, and it is their responsibility to maintain and maintain the Notarial Protocols. According to Wirjono Prodjodikoro, responsibility for a person's actions only exists if that person carries out an act that is not permitted and most of such acts are acts that in the Civil Code are called unlawful acts. Article 1365 of the Civil Code states that any unlawful act that results in harm to another person requires the person whose fault caused the harm to compensate the loss.¹² Based on Article 1365 of the Civil Code, the elements of an unlawful act formulated by this article, according to J.H. Nieuwenhuis, are:¹³ 1) The act that caused the harm is unlawful because it violates the rights of others, morality, and the legal obligations of the perpetrator; 2) The loss arises as a result of the act; 3) The perpetrator is guilty; 4) The violated norm has a "strekking" (general nature) to compensate the loss; 5) The

¹¹ Abdul Ghofur Anshori, *Indonesian Notary Institution: Legal and Ethical Perspectives*, (Yogyakarta: UII Press, 2016), p. 49.

¹² R. Subekti and Tjitrosudibio, *Civil Code*, (Jakarta: Pradnya Paramita, 2003) p. 346.

¹³ J. H. Nieuwenhuis, *Unlawful Acts: A Study of the Principles of Civil Law*, (Yogyakarta: Universitas Gadjah Mada Publisher, 1999), p.

responsibility that a notary must bear in the event of an unlawful act, such as fraud or deception, originating from the notary himself.

The Civil Code divides the issue of liability for unlawful acts into 2 (two) groups, namely direct liability and indirect liability. The provisions of laws and regulations for unlawful acts aim to protect and provide compensation to the injured party. Regarding the responsibility of Notaries for their protocols as stated in Article 65 of the UUJN-P, Notaries are obliged and fully responsible for all the protocols stored. From an administrative perspective, a Notary's responsibility for storing and maintaining the physical form of each deed he or she has created, which constitutes the Notary's protocol, ends with the end of their term of office. A Notary must exercise extreme caution in storing Notary protocols. This is because the state leaves it to the Notary concerned to determine the policies and procedures for storing Notary protocols. The important thing is that the Notary's protocol remains intact and confidential.

Another responsibility of a Notary in terms of storing Notary protocols is to store other Notary protocols based on the appointment of the MPD. The Notary's responsibility in storing other Notary protocols is a responsibility with a time limit. This is as stated in Article 63 paragraph (5) of the UUJN that the Notary protocol from another Notary which at the time of submission is 25 (twenty five) years old or more is submitted by the Notary who received the Notary protocol to the MPD. Based on the provisions of Article 63 paragraph (5) of the UUJN, a Notary who receives another Notary protocol up to 25 (twenty five) years old or more, the Notary submits the Notary protocol to the MPD. Therefore, upon the submission of another Notary's protocol that is 25 (twenty five) years old or more to the MPD, the responsibility for storing the other Notary's protocol is transferred to the MPD. The transfer of the Notary's responsibility for storing the other Notary's protocol that is 25 (twenty five) years old or more to the MPD, is provided that the Notary receiving the protocol submits the other Notary's protocol to the MPD. This means that as long as the Notary does not submit it to the MPD, the responsibility for storing the other Notary's protocol remains with the Notary receiving the protocol. In general, in practice, no Notary Public Records Authority (MPD) stores notarial protocols that are 25 (twenty-five) years old or more. One factor is that the MPD does not have a repository or place to store notarial protocols submitted to it. Therefore, the storage of other notarial protocols submitted to the notary holding the protocol, which are 25 (twenty-five) years old or more, remains the responsibility of the notary receiving the protocol.

B. Legal Protection for Notaries Holding Protocols

Legal protection is generally distinguished between preventive and repressive legal protection. Preventive legal protection aims to prevent disputes from occurring, while repressive legal protection aims to resolve disputes. Repressive or curative legal protection aims to protect notaries receiving protocols after a dispute occurs, preventing them from being treated arbitrarily by law enforcement or other parties.¹⁴ If a Notary dies, the Notary's heirs hand over the Notary's protocol to another Notary appointed by the Regional Supervisory Board. If the Notary is temporarily suspended, the Notary's protocol is handed over to another Notary appointed by the Regional Supervisory Board if the temporary suspension is more than 3 (three) months. For this reason, all protocols must be submitted to another notary appointed by the Regional Supervisory Council (MPD). These other

¹⁴ Suprpto, *Legal Protection of Notaries in Providing Legal Services to the Community*, (Jakarta: Pradnya Paramita Publisher, 2004), p. 71

notaries who receive these protocols include acting notaries and substitute notaries. Both of these notary positions are temporary, to receive protocols from notaries who are on leave for a maximum of five years, or to receive protocols for 12 years during their term as notaries.

In reality, notaries receiving protocols often retain them for more than 12 years. Establishing the legal protection and limitations for transferring notarial protocols is crucial to achieving justice and legal certainty. This way, it's clear when and to what extent the notary receiving the protocol is protected, and when and in what circumstances they should share responsibility. This is crucial because in some cases, the notary receiving the protocol is also held responsible for the validity of the deed they retain. However, if the Notary's term of office has ended, he/she resigns, is mentally and/or physically unable to carry out his/her duties as a Notary continuously for more than 3 (three) years, moves to another office or is dismissed dishonorably, then the Notary's protocol will be handed over by the Notary to another Notary appointed by the Minister upon the recommendation of the Regional Supervisory Council.

Legal protection for retired notaries holding protocols is crucial, particularly to ensure the continued safe storage and management of the protocols, in accordance with applicable laws. The following are some forms of legal protection provided to retired notaries regarding the management of their stored protocols: 1) Transfer of Protocols to a Replacement Notary: a) Governing Regulations: Article 17 of Law Number 2 of 2014 concerning the Position of Notaries stipulates the obligation of a retired notary to hand over their protocols to their successor or to a party appointed to store them. This ensures the protocols remain secure and can be managed in accordance with the law; b) Purpose of Transfer: Upon retirement, a notary is no longer responsible for their protocols, but the obligation to store and manage them remains with the replacement notary. The protocols must not be taken or misused by unauthorized parties. 2). Protection of Protocol Security and Confidentiality: a) Storage Security: After retirement, a notary who has handed over the protocol to his or her successor remains protected from potential misuse or information leakage. The protocol must be stored securely and only accessible to authorized parties, such as the successor notary or by court order; b) Government Regulation Number 37 of 1998 and Regulation of the Minister of Law and Human Rights Number 8 of 2012 regulate the storage and management of protocols, including storage security arrangements that must be followed by the successor notary. 3) Legal Responsibility After Retirement: a) Termination of Responsibility: After retiring and submitting the protocol to a replacement notary, the retired notary is no longer responsible for the protocol, as long as the submission is carried out legally and in accordance with applicable legal procedures. Article 70 of Law Number 2 of 2014 stipulates that a notary can only be held accountable during their active period. After retirement, responsibility for the protocol transfers to the replacement notary; b) Exception: If a retired notary makes a deliberate error or negligence regarding the submitted protocol, they may still be held legally responsible. However, as long as the notary acts in accordance with the regulations and submits the protocol correctly, they are protected from unfounded lawsuits. 4). Opening of Protocols for Legal Purposes: a) Limited Access Protection: Even if a notary has retired, the stored protocols retain legal force and can be used in legal cases. However, only authorized parties may open the protocols, such as upon a court order or a request from a legitimate interested party. The protocols must remain protected and must not be accessed arbitrarily; b) Protocol Opening Procedure: If

required by authorized parties or for legal purposes, such as in a court case, retired protocols may be opened under valid legal procedures, with the permission of the authorized party.

5). Professional Insurance for Notary Protection: a) Professional Insurance: Some notaries have professional insurance that protects them from legal claims arising during their tenure. This insurance can also provide protection for retired notaries, if the claim is related to errors or omissions that occurred during their tenure; b) Protection against Legal Claims: If a lawsuit arises related to a deed or protocol prepared by a retired notary, professional insurance can provide financial protection and legal assistance to handle the claim.

6). The Role of Notary Professional Organizations: a) Supervision by the Indonesian Notaries Association (INI): After retirement, notaries can still obtain legal protection from professional organizations, such as the Indonesian Notaries Association (INI), which provides legal assistance and guidance. INI can also help ensure that the protocol submission and management procedures are carried out in accordance with applicable regulations; b) Legal Consultation and Guidance: This organization provides legal advice to retired notaries if any issues arise regarding protocol management after retirement.

7). Protocol Storage Period: Regulations on the Period: According to Law Number 2 of 2014, protocols kept by a notary must be maintained for 25 years. Therefore, even if the notary has retired, the protocol must still be properly maintained and stored in accordance with applicable regulations. After retirement, the successor notary responsible for the protocol must ensure that the protocol is maintained for the specified period.

Legal protection for retired notaries ensures that even if a notary is no longer actively practicing their profession, their legal rights and responsibilities related to the deeds they have created remain protected. Retired notaries are still bound by the obligation to keep protocols and provide clarification or assistance regarding the deeds they created during their tenure, and are also protected by law against any professional risks that arise. If a notary holding a protocol is released from responsibility for the content and validity of the deed, but has performed the obligation to keep it professionally, they are entitled to legal protection.

CONCLUSION

As a public official authorized by the state to create authentic deeds, a notary public has extensive and complex responsibilities, both in terms of ethics, law, and administration. The scope of a notary's responsibilities is not only limited to creating deeds, but also includes personal, social, and professional aspects. Professionalism, legal compliance, and moral integrity are the main foundations in carrying out the notary's office. Therefore, it is important for every notary public to always maintain their responsibilities in all aspects, in order to ensure legal security, public protection, and maintain the honor of the profession. With the great responsibility carried by a notary public, legal protection is not merely a privilege, but a fundamental need to maintain the dignity of the profession and ensure legal certainty for the community. The legal protection provided to retired notaries is also crucial. Upon retirement, notaries must hand over their protocols to their successors and remain protected from potential misuse or legal claims related to the deeds they have executed. Protecting the security and confidentiality of protocols, along with maintaining accountability, ensures that the protocol storage and management process is carried out properly in accordance with applicable regulations. This legal protection, both preventive

and repressive, aims to prevent disputes and provide legal certainty for notaries and related parties.

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