



The position of the notary supervisory assembly post the decision of the constitutional court no 49/PUU-X/2012 in state administrative law

Mudjtahib¹, Isharyanto², Hari Purwadi²

¹Master of Public Notary, Faculty of Law, Universitas Sebelas Maret, Indonesia

²Lecturer, Faculty of Law, Universitas Sebelas Maret Surakarta, Indonesia

Abstract

The Notary Supervisory Council is a State Administration Agency or Official obtained from a delegation of attribution from the Minister of Law and Human Rights. The decision of the Notary Supervisory Council which can cause legal consequences to the Notary can be categorized as a State Administrative decision so that it can be used as an object of dispute in the State Administrative Court. Not all decisions issued by the Notary Supervisory Council can be sued to the State Administrative Court, as long as the decision requires approval from a higher official, it cannot be sued to the State Administrative Court but for decisions that are definitive or final, a lawsuit can be filed with the Administrative Court. State Enterprise.

Keywords: notary supervisory board; state administration officer

Introduction

Every time he carries out his duties in making a deed, a Notary has responsibility for the deed he made as a realization of the wishes of the parties in the form of an authentic deed. The responsibilities of a Notary are closely related to the duties and authorities as well as the morality of responsibilities as individuals and as public officials. Notaries may make mistakes or make mistakes in making the deed. In this case, if it causes harm to the parties with an interest in the deed, the Notary can be prosecuted criminally or be sued in a civil manner.

Notary examination by law enforcement officers for the benefit of the judicial process must be carried out with the approval of the Regional Supervisory Council (hereinafter referred to as MPD). MPD is a Supervisory Council formed by the Minister in the framework of exercising its authority to carry out supervision over Notaries at the district or city level. This authority was later abolished by the decision of the Constitutional Court of the Republic of Indonesia (hereinafter referred to as MKR) Number 49/PUU-X/2012. Law enforcement officials can immediately take a photocopy of the Minutes of Deed and/or letters attached to the Minutes of Deed or Notary Protocol in the Notary's custody and summon the Notary to attend an examination related to the deed he made without the need for approval from the MPD. The Constitutional Court is of the opinion that the necessity of approval of the judicial process and contrary to the obligations of a notary as a citizen who has the same position before the law and contrary to the principle of equality before the law.

In 2014 Law No. 2 of 2014 was passed concerning Amendments to Law No. 30 of 2004 concerning Notary Positions (hereinafter referred to as Law on Notary Positions). In article 66 paragraph (1) of the Law on Notary Positions, MPD's authority is replaced by a new institution, namely the Notary Honorary Council (hereinafter referred to as MKN) as a legal protection institution for Notaries. Article 67 paragraphs (1) and (2) of the UJUN are included in the meaning of Article 1 of Law number 51 of 2009 the

second amendment to Law Number 5 of 1986 concerning the State Administrative Court, that the minister as a TUN body or official who carries out government affairs based on Legislation has delegated its authority to the Supervisory Council which is therefore functionally and exists as a State Administrative Body.

The position of the Minister as a State Administration Agency or Officer who carries out government affairs based on the applicable laws and regulations has consequences for the supervisory panel, namely the supervisory panel is also domiciled as a State Administration Agency or Official, because it receives delegation from the Agency or Official domiciled as an Agency or State administrative officials, so that the supervisory panel has the authority to make or issue a Decree or Decision relating to the results of supervision, examination or imposition of sanctions addressed to the Notary concerned. Looking at the provisions of Law Number 5 of 1986 concerning Administrative Courts and the second amendment to Law Number 51 of 2009 concerning State Administrative Courts, it can be seen whether the decisions issued by the Notary Supervisory Council are categorized as State Administrative decisions as stipulated in the Act. -State Administrative Court Law.

Research Methods

This type of research was normative legal research. Normative legal research is research that provides a systematic explanation of the rules governing a particular legal category, analyzes the relationship between regulations, explains areas of difficulty and possibly predicts future development (Marzuki, 2011).

In this study, the researchers used a statute approach, which means examining all laws and regulations related to the legal issue that is being handled (Marzuki, 2019). The nature of this research is prescriptive research which means that the science of law studies the objectives of law, the values of justice, the validity of legal rules, legal concepts, and legal norms.

Discussion

Notary Public

The position of the Notary as a public official whose task is to have the authority to make authentic Deeds regarding all acts of the agreement, and the stipulations required by the legislation and/or desired by the interested parties to be stated in an authentic Deed, guarantee the certainty of the date of making the Deed, save the Deed, provide grosse, copies and quotations of the Deed, all of which are as long as the making of the Deed is not assigned or excluded to other officials or other people stipulated by law.

Article 1868 of the Civil Code, states that: "An Authentic Deed is a deed made in the form determined by law made by or authorized to do so, at the place where the deed was made". This article does not explain at all about:

1. Who is a General Officer?
2. What are the limits of his authority?
3. Where does he have such authority?
4. And what form has been determined according to law?

Because article 1868 of the Civil Code is not clear and does not completely regulate who is meant by the General Official, the legislators are obliged to complete it with statutory regulations to further regulate this matter. To fulfill this, the legislators then promulgated a Notary Position Regulation (hereinafter referred to as PJN) to regulate it.

Thus the PJN is an implementing regulation of Article 1868 of the Civil Code. And because of that, what is meant by Public Official in article 1868 of the Civil Code is a Notary, whose authentic definition is contained in article 1 of the PJN. This is where the relationship between Article 1 of the PJN and Article 1868 of the Civil Code.

In the term of office, there is a characteristic or characteristic that distinguishes it from other positions in society, although to carry out other positions it is sometimes necessary to appoint or get permission from the government; For example: Lawyers, Doctors whose nature of appointment is actually granting permits or granting authority which is a license to carry out a position and do not have the character of a public official, because they do not exercise a power that comes from the authority (gesag) of the government. They are private people who are only bound by the regulations regarding their position and then they are free to carry out their profession, may choose their own place where they work, are not bound by leave rules and strict administrative regulations related to their work.

Notaries in carrying out their duties in terms of making a Deed of Supervision are carried out based on the code of ethics and the Notary Position Act, and supervision in the code of ethics is carried out by the Notary Honorary Council while the supervision in the Notary Position Act is by the Notary Supervisory Council. In the midst of the community and the strength of evidence from the authentic deed he made, it can be said that the position of a notary is a position of trust. This position of trust given by law and society requires a person who works as a notary to be responsible for carrying out this trust as well as possible and upholding legal ethics, the dignity and nobility of his position. And if the trust is violated in making a deed, whether intentional or unintentional, the notary is obliged to account for it.

In practice, notaries whose position as public officials are often involved with legal cases both as witnesses and as suspects. Related to this, then in Law Number 2 of 2014 of the Law on Notary Positions article 66 paragraph (1) that for

the interest of the judicial process, investigators, public prosecutors, or judges with the approval of the Notary Honorary Council are authorized:

1. Take a photocopy of the Minutes of Deed and/or letters placed on the Minutes of Deed or Notary Protocol in the Notary's depository; and
2. Calling the Notary to attend the examination related to the Notary deed or Protocol that is in the Notary's storage.

The authority of the MKN is to give approval or reject requests from investigators, prosecutors, and judges who wish to summon and examine notaries in court. This authority was previously the authority of the Regional Supervisory Council (MPD), which has now been declared no longer valid based on the Constitutional Court Decision Number 49/PUU-X/2012. Regarding the regulation regarding the status and forms of legal protection provided by MKN to Notaries, it is not yet clearly regulated in the legislation.

The procedure for summoning/investigating the Regional Head and his Deputy is based on Article 36 (1) of Law Number 32 of 2004 concerning Regional Government as amended by Government Regulation in Lieu of Law Number 8 of 2005:

1. The investigation and investigation of the Regional Head and/or Deputy Regional Head is carried out after written approval from the President at the request of the investigator.
2. In the event that the written approval as referred to in paragraph (1) is not given by the president within no later than 60 (sixty days) from the receipt of the application, the investigation and investigation process can be carried out.
3. Investigations followed by detention require written approval in accordance with the provisions as referred to in paragraphs (1) and (2).
4. Things that are excluded from the provisions as referred to in paragraph (1) are:
 - a. Caught in the act of committing a crime, or
 - b. Suspected of having committed a crime punishable by the death penalty, or having committed a crime against the security of the State. Meanwhile, the procedure for summoning a notary by investigators is in accordance with the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 7 of 2016 concerning the Honorary Council of Notaries in Article 23 as follows:
 - c. Applications for approval for taking minutes of notary deed or protocol and summoning a notary by the investigator, public prosecutor, or judge to attend an examination related to the notary deed or protocol that is in the notary's custody shall be submitted to the chairman of the regional notary honorary council in accordance with the working area of the notary concerned.
 - d. The application is submitted in writing in the Indonesian language and a copy is submitted to the Notary concerned.
 - e. The application must contain at least: a. name of the notary; b. Notary office address; c. the number of the deed and/or letter attached to the minutes of the deed or protocol in the Notary's depository; and D. the subject matter alleged.

- f. The Chairperson of the Regional Notary's Honorary Council is obliged to provide an answer in the form of approval or rejection of the application within a maximum period of 30 (thirty) working days from the date of receipt of the application.
- g. If the period as referred to in paragraph (4) is exceeded, it is considered that the Regional Notary Honorary Council has received the request for approval.

Notary Supervisory Board

Efforts to enforce the notary's code of ethics and the position of a notary, there are 2 (two) ways to find out if there is an alleged violation that has been committed by a notary so that an examination can be carried out, either by the Honorary Council of the Notary Code of Ethics or the Notary Supervisory Council. One of the ways in an effort to enforce the Notary's code of ethics and notary positions, the Notary Code of Ethics Honorary Council and the Notary Supervisory Council must be sensitive in receiving reports or complaints from the public on allegations of violations of the code of ethics and the position of a notary. Carry out their duties properly and do not harm the community. This is a positive breakthrough to ensure the credibility of the notary where the community and the community's right to obtain proper and protected notary services. This is because the Supervisory Council has the right to receive public reports regarding alleged violations of the provisions of Law Number 30 of 2004 concerning the position of a Notary, article 70 point g.

Regarding the authority of the Supervisory Council (Regional, Regional, and Central), there is one authority of the Supervisory Council that needs to be straightened out according to the applicable legal rules, namely on the report of the examination board if it finds a crime in conducting an examination of a notary, the supervisory panel will report it to the competent authorities. The substance of this article has placed the Notary Supervisory Board as the reporter for criminal acts.

Although the MPD has the authority to receive reports from the public and from other notaries and hold hearings to examine alleged violations of the notary's performance, it is not authorized to impose any sanctions. In this case, the MPD is only authorized to report the results of the trial and its examination to the MPW with a copy to the reporting party, the notary concerned, the Central Supervisory Council, and the notary organization..

The Regional Supervisory Council (MPD) has special authority that MPW and MPP do not have, namely as stated in Article 66 of the Law on the position of a notary, that the MPD is authorized to examine a notary in connection with a request by an investigator, public prosecutor or judge to take a photocopy of minutes or documents other letters attached to the minutes or in the Notary protocol in the Notary's storage, Also the summons of the Notary related to the deed he made or in the Notary protocol that is in the Notary's storage.

The final result of the MPD examination as outlined in the form of a Decree, contains the ability to give approval or reject the request of the investigator, public prosecutor or judge. When UUJN is promulgated, Notaries hope to get proportional protection to Notaries when carrying out their duties as a Notary at least or one of them through or based on provisions or mechanisms..

State Administration Officer

In Article 1 of Law Number 5 of 1986 concerning the State Administrative Court, it is described the meanings related to the State Administrative Court, as follows:

State Administration is the State administration that carries out the function to administer the government based on the applicable laws and regulations.

A State Administrative Decision (KTUN) is a written determination issued by a State Administration Agency or Official containing legal actions for State administration based on the prevailing laws and regulations that are concrete, individual and final, which have legal consequences for a person or civil law entity. The elements of a State Administrative Decision are:

1. Written determination
2. Issued by a State administrative agency or official
3. Contains state administrative legal actions
4. Based on the applicable laws and regulations
5. It is concrete, individual, and final
6. Causing legal consequences for a person or civil legal entity.

A fictitious negative State Administrative Decision is an expansion of the meaning of a State Administrative Decree as referred to in Article 1 point 3, namely:

1. If the State administrative body/official does not issue a decision while it is his obligation, then it is equated with a State administrative decision.
2. If a State administrative agency/official does not issue the requested decision, while the time period as specified in the legislation in question has passed, then the State administrative agency/official is deemed to have refused to issue the said decision.
3. In the event that the relevant legislation does not specify the period as referred to in paragraph (2), then after four months has passed since the receipt of the application, the relevant State administrative agency/official is deemed to have issued a decision on the rejection.

The State Administrative Decision as referred to in Article 1 point 3 in other words narrows the competence of the court, namely: "The court is not authorized to examine, decide and resolve disputes in times of war, dangerous conditions, natural disasters, or exceptionally dangerous circumstances, based on laws and regulations. applicable laws and in urgent circumstances for the public interest based on the prevailing laws and regulations. An exception to the definition of a State Administrative Decree that is not included in the definition of a State administrative decision according to Law Number 5 of 1986 is:

1. State administrative decisions which are civil law acts;
2. State administrative decisions which are general arrangements;
3. State administrative decisions that still require approval;
4. State administrative decisions issued based on the provisions of the Criminal Code / Criminal Procedure Code / Legislation which are criminal in nature;
5. State administrative decisions issued on the basis of the results of judicial examinations based on the provisions of the prevailing laws and regulations;
6. State administrative decisions regarding the administration of the Indonesian National Armed

- Forces;
7. Decisions of the General Election Commission both at the center and in the regions regarding the results of the general election.

The subject in the State Administrative Court is a Person or Civil Legal Entity as the Plaintiff and the State Administrative Entity or Official as the Defendant. From the definition of a State Administrative Decree, it can be seen that the object in the State Administrative Court has the following elements:

1. Written determination
2. Issued by a State Administration agency or official
3. Contains state administrative legal actions
4. Based on the applicable laws and regulations
5. It is concrete, individual, and final
6. Causing legal consequences for a person or civil legal entity.

In Article 3 of Law Number 5 of 1986 concerning the State Administrative Court, which is commonly called a negative fictitious State Administrative Decree, is an expansion of the meaning of a State Administrative Decree as referred to in Article 1 point 3, namely:

1. If the State administrative body/official does not issue a decision while it is his obligation, then it is equated with a State administrative decision.
2. If a State administrative agency/official does not issue the requested decision, while the time period as specified in the legislation in question has passed, then the State administrative agency/official is deemed to have refused to issue the said decision.
3. in the event that the relevant legislation does not specify the period as referred to in paragraph (2), then after four months has passed since the receipt of the application, the relevant State administrative agency/official is deemed to have issued a decision on the rejection.

Article 49 Law Number 5 of 1986 concerning the State Administrative Court is a provision that narrows the meaning of state administrative decisions as referred to in Article 1 number 1 number 3 in other words narrows the competence of the court, namely "The court is not authorized to examine, decide and resolve administrative disputes. Certain efforts in the event that the disputed decision is issued:

1. In times of war, in a state of danger, in a state of natural disaster, or in an extraordinary situation that is dangerous, based on the prevailing laws and regulations
2. In urgent circumstances for the public interest based on the applicable laws and regulations.

Article 2 of Law Number 5 of 1986 concerning State Administrative Courts is an exception from the definition of State Administrative Decisions, namely: "Not included in the definition of state administrative decisions according to this Law.:

1. State administrative decisions which are civil law acts;
2. State administrative decisions which are general arrangements;
3. State administrative decisions that still require approval;
4. State administrative decisions issued based on the

- provisions of the Criminal Code / Criminal Procedure Code / Legislation which are criminal in nature;
5. State administrative decisions issued on the basis of the results of judicial examinations based on the provisions of the prevailing laws and regulations;
6. State administrative decisions regarding the administration of the Indonesian National Armed Forces;
7. Decisions of the General Election Commission both at the center and in the regions regarding the general election results.

Beschikking decisions (often also called stipulations), can be given limitations, among others: first, Beschikking is a legal act carried out by government agencies, statements of the will of the government tools in carrying out special rights, with the intention of making changes in the field of communication- legal relations. Second, Beschikking can also be interpreted as a one-sided public legal act carried out by government agencies based on a special power. And third, Beschikking as a one-sided legal action in the field of government carried out by a government tool based on the authority that exists in that tool or organ. Based on the three limits of Beschikking, That Beschikking is:

1. It is a one-sided public legal act or a unilateral act of the government and is not the result of the agreement of two parties.
2. The nature of public law is derived from/based on special authority or power.
3. With the intention of making changes in the field of legal relations.

In Article 1 point 3 of Law Number 5 of 1986 concerning the State Administrative Court, the Written Stipulation has elements:

1. The form of the determination must be in writing
2. Contains state administrative legal actions
3. Based on the applicable laws and regulations
4. It is concrete, individual, and final
5. Causing legal consequences for a person or civil legal entity.

The position of the Notary Supervisory Council as a State Administrative Officer

The position of the Minister as a State Administration Agency or Official who carries out government affairs based on applicable laws and regulations has consequences for the Supervisory Council, namely the Supervisory Council is also located as a State Administration Agency or Official, because it receives delegation from a State Administration Agency or Official domiciled as a State Administration Agency or Official.

Article 67 paragraphs (1) and (2) of the UUJN include the meaning of Article 1 of Law Number 51 of 2009 the second amendment to Law Number 5 of 1986 concerning the State Administrative Court, that the minister as a TUN body or official who carries out government affairs based on Regulation The legislation has delegated its authority to the Supervisory Council which is therefore functionally and exists as a State Administrative Body. Not all decisions of the TUN Body are included in the TUN decisions.

There are 2 (two) ways to obtain government authority, namely Attribution and Delegation. Attribution is the formation of certain authorities and their grants to certain

people or also formulated in attributions where the granting of new government authorities is carried out by a stipulation in statutory regulations. The attribution of the formation or granting of government authority is based on legal rules that can be distinguished from its origin, namely those originating from the government at the central level sourced from the People's Consultative Assembly (MPR), the Basic Law (UUD) or the Law and those originating from local government sources. Regional People's Representative Council (DPRD) or Regional Regulations (Perda). The attribution of authority is formed or created or created by the relevant legal rules or the attribution is determined by the legal rules that mention it.

"Delegation is the delegation of an existing authority by a State Administrative Agency or Position (TUN) which has obtained an attributive government authority to another State Administration Agency or Position". In another formulation, delegation is the transfer of authority by government officials (TUN officials) to other parties and that authority is the responsibility of the other party. The first opinion is that the delegation must be from the State Administration Agency or Position to another State Administration Agency or Position, meaning that both the delegate and the delegate must be the same as the State Administration Agency or Position. The second opinion is that delegation can occur from the TUN Agency or Position to other parties who are not necessarily TUN bodies or positions. There is a possibility that the TUN agency or position can delegate its authority (Delegans) to a body or position that is not a TUN (Delegatary). A delegation is always preceded by an attribution of authority.

The position of the Minister as an executive (government) who exercises government power in qualification as a TUN Agency or Official. Based on Article 67 paragraph (2) of the UUJN, the Minister delegates the supervisory authority to a Agency with the name of the Supervisory Board. The supervisory board according to Article 1 paragraph (1) of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02.PR.08.10 of 2004 is an agency that has the authority and obligation to carry out supervision and guidance to Notaries. Thus, the Minister is the delegate and the Supervisory Council is the delegate. The supervisory board as a delegate has the authority to fully supervise the notary, it is necessary to return its authority to the delegates. Thus, collegially the Supervisory Board as:

1. TUN Agency or Official,
2. Carry out government affairs
3. Based on the applicable legislation, namely doing supervision of Notaries in accordance with UUIN.

In supervising the examination and imposition of sanctions, the Supervisory Council must be based on the authority determined by the UUUN as a reference for making decisions, this needs to be understood because not all members of the Supervisory Council come from Notaries, so that the actions or decisions of the Supervisory Council must reflect the actions of a Supervisory Council as a body, not the actions of the members of the Supervisory Council which are considered as the actions of the Supervisory Council. Article 67 paragraph (3) of the UUJN determines that the Supervisory Council consists of 9 (nine) people, consisting of elements of:

1. Government as many as 3 (three) people;

2. Notary organization as many as 3 (three) people;
3. Experts/Academics as many as 3 (three) people;

Regarding the elements of the Supervisory Board mentioned above, it can be found conclude that: Supervision and examination of Notaries who carried out by the Supervisory Board in which there is an element of a Notary at least notaries are supervised and checked by members of the Supervisory Council who understand the world of notaries. The existence of a member of the Supervisory Council from a Notary Public is an internal control, meaning that it is carried out by fellow notaries who understand the world of notaries inside and out, while the other elements are external elements representing the academic world, government and society. So that the combination of the membership of the Supervisory Board is expected to provide a synergy of supervision and objective examination, in this case each supervision is carried out based on the applicable legal rules, and the Notaries in carrying out their duties do not deviate from the UUJN because they are monitored internally and externally. The Notary Supervisory Board does not only supervise and examine Notaries, but has the authority to impose sanctions on Notaries who have been proven to have violated the duties of a Notary.

The Notary Supervisory Board as mentioned above is an agency that has the authority and obligation to carry out the guidance and supervision of a Notary which includes the behavior and implementation of the Notary's position. In general, the Notary Supervisory Board has the scope of authority to hold meetings to examine alleged violations of the Notary Code of Ethics or violations of the implementation of the Notary's position.

The supervision system for the implementation of the Notary's position is regulated in (a). Law of the Republic of Indonesia Number 30 of 2004 in conjunction with Law Number 2 of 2014 concerning the Position of a Notary, (b). Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.02.PR.08.10 of 2004 concerning Procedures for Appointment of Members, Dismissal of Members, Organizational Structure, Work Procedures and Procedures for Examination of the Notary Supervisory Board, (c). Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M.39-PW.07.10 of 2004 concerning Guidelines for the Implementation of the Duties of the Notary Supervisory Council. The regulation of the supervision system regulated in the Law of the Republic of Indonesia Number 30 of 2004 in conjunction with Law Number 2 of 2014 concerning the position of a Notary is contained in CHAPTER IX Articles 67 to 81.

The position of the Regional Supervisory Council after the Decision of the Constitutional Court Number 49/PUU-X/2012

There is a decision of the Constitutional Court in Decision No.

49/PUU-X/2012 on Article 66 Paragraph 1 of the Law on Notary Positions the existence of the MPD against the authority of Article 66 has been lost and can no longer be used as the right of the MPD institution in carrying out its authority in the regions. However, the Constitutional Court's decision on Article 66 paragraph 1 of the Law on Notary Positions does not necessarily eliminate the existence of the MPD, this can be seen from several things:

1. The position or existence of the MPD that still exists in the region as a Supervisory Agency in the region. This can be seen in Article 69 of the Law on Notary Positions which is still valid.
2. The MPD's authority still has the decision of the Minister of Law and Human Rights of the Republic of Indonesia Number M.39-PW.07. 10 Year 2004.

The existence of the position, authority, and obligations of the MPD

as a Notary Supervisory agency in the area, it can be concluded that the existence of MPD in a Notary organization still exists and acts as a Supervisory institution. In addition, the article regarding the existence of this MPD in Law No. 2 of 2014 was not removed. The loss of the MPD's authority over Article 66 paragraph 1 does not mean that the MPD no longer exists in the notary organization. But the MPD still exists and has the authority and obligations. This can be seen from the role of the MPD's authority and obligation as a supervisory agency. 02.PR.08.10 of 2004, among others:

1. In Article 13 paragraphs (1) and (2) confirms that, the administrative authority of the MPD is carried out by the chairman, deputy chairman of one of the members who are authorized based on the MPD meeting.
2. The MPD's administrative powers that require MPD meeting decisions are regulated in Article 14 of the Ministerial Regulation Law and Human Rights of the Republic of Indonesia Number M.02.PR.08.10 Year 2004.
3. The authority of the Regional Supervisory Council is also regulated in article 15 of the regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02.PR.08.10 of 2004 regulating the examination carried out on Notaries.

Besides that, the loss of authority of the MPD to Article 66 paragraph I does not affect the position and existence of the MPD in the notary organization in the slightest. But the Notary can still run authority as a supervisory agency. The existence of the Constitutional Court's decision in deciding Article 66 does not have permanent legal force, so this affects the protocol of the Notary deed. This is based on article 58 paragraph 4 which says: "Every page in the list is assigned a unit number and initialed by the Regional Supervisory Council, except for pages". This means that the deed made by a notary must be reported to the MPD. Then the MPD will directly improve its function in carrying out its obligations as a notary supervisory agency.

The position of the Minister as a State Administration Agency or Official carry out government affairs based on laws and regulations the applicable invitation has consequences for the Assembly Supervisors, namely the Supervisory Council which is also domiciled as a State Administration Agency or Official, because it receives delegations from a State Administration Agency or Official domiciled as a State Administration Agency or State Administration Officer.

Article 67 paragraphs (1) and (2) UUJN are included in the meaning of Article 1 Law Number 51 of 2009 the second amendment to Law Number 5 of 1986 concerning the State Administrative Court, that the minister as a State Administration Agency or Official who carries out government affairs based on the Laws and Regulations has

delegated his authority to the Supervisory Council which is why the Court's decision Constitution No. 49/PUU-X/2012 dated 28 May 2012 on Judicial review of Article 66 Paragraph 1 of Law no. 30 of 2004 concerning the functional authority of the Regional Supervisory Council and its permanent existence as a State Administrative Body.

Conclusion

The position of the Notary Supervisory Council as an institution that receives a delegation of supervisory authority from the Minister of Law and Human Rights makes the decision of the Notary Supervisory Council categorized as a State Administrative Decision, thus it can become a dispute in the State Administrative Court. The action of the Notary Supervisory Council is an act of State Administration, it can be seen from the copy of the Constitutional Court's decision number: 009-014/PUU-III/2005, that the action of the Notary Supervisory Council is an act of State Administration (administratief rechtshandeling). The decision of the Constitutional Court No. 49/PUU-X/2012 dated 28 May 2012 on Judicial review of Article 66 paragraph 1 1 of the Law on Notary Positions only reduces the authority of the MPD. MPD as the recipient of the delegation from the Minister as a State Administration Agency or Official who carries out government affairs based on the applicable laws and regulations has the consequence that the Supervisory Council remains domiciled as a State Administrative Body.

References

1. Indiharto. Usaha memahami Undang-undang tentang Peradilan Tata Usaha Negara, Buku I, Beberapa Pengertian Dasar Hukum Tata Usaha Negara, Pustaka Sinar Harapan, Jakarta, 19996.
2. Luthfan Hadi Darus M, Hukum Notariat dan Tanggung Jawab Jabatan Notaris, Yogyakarta: UII Press, 2017.
3. Mohammad Anas Nashiruddin. "Kewenangan Majelis Kehormatan Notaris Memberikan Persetujuan Tindakan Kepolisian Terhadap Notaris", artikel pada Jurnal Universitas Brawijaya, 2014.
4. Pengurus Pusat Ikatan Notaris Indonesia (IND, editor Anke Dwi Saputro Jati Diri Notaris Indonesia, Dulu, Sekarang, dan Dimasa Mendatang, Gramedia Pustaka, Jakarta, 2009.
5. Peter Mahmud Marzuki, Penelitian Hukum, Jakarta: Kencana Preada Media, 2011.
6. Peter Mahmud Marzuki. Penelitian Hukum Edisi Revisi, Jakarta: Prenada Media Group, 2019.
7. Marbun dan Moh SF. Mahfud MD. Pokok-Pokok Hukum Administrasi Negara, Liberti, Yogyakarta, 2009.
8. Sunaryati Hartono. Penelitian Hukum di Indonesia, Bandung: Alumni, 2006.
9. Law of the Republic of Indonesia Number 30 of concerning the Position of a Notary, 2004.
10. Law of the Republic of Indonesia Number 5 of concerning the Judiciary as Juridical Control over Government Actions, 1986.
11. Law of the Republic of Indonesia Number 51 of 2009 concerning the Second Amendment to Law Number 5 of concerning Positive Fictitious Judiciary, 1986.
12. Decision of the Constitutional Court of the Republic of Indonesia Number 49/PUU-X/2012

13. Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 7 of 2016 concerning the Honorary Council of Notaries