

Legal Protection for Notary Service Users in the Absence of an Appointed Holder of Notary Protocols Following the Notary's Death

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ABSTRACT

The maintenance and storage of Notary protocols are critical responsibilities that must be managed meticulously due to their importance in ensuring the continuity of Notary services. This obligation is regulated through specific legal provisions, particularly in cases where a Notary has passed away. The Regional Supervisory Council holds the authority to appoint another Notary as the Protocol Holder of the deceased Notary. However, challenges arise when the MPD is unaware of the Notary's death or fails to appoint a Protocol Holder within the legal deadline. These lapses can disadvantage service users who require access to the deceased Notary's protocols, such as copies of deeds or other related documents. This study aims to analyze the responsibilities of the MPD in managing the protocols of deceased Notaries and to evaluate the legal protection available to service users. Utilizing a doctrinal research method with qualitative analysis of secondary data, this research highlights that the MPD is obligated to ensure the timely appointment of Protocol Holder Notaries. Failure to do so impedes public access to Notary services and compromises legal protection for users. To address these issues, the study recommends enhancing MPD supervision and procedural improvements, along with the enforcement of sanctions for negligence. Furthermore, service users are encouraged to seek legal remedies through the courts or supervisory councils to uphold their rights. Strengthening MPD performance and regulatory frameworks is essential for safeguarding public trust and ensuring effective legal protection.

Keywords: Death of Notary, Notary Protocol, Legal Protection of Notary Service Users, Regional Supervisory Council.

INTRODUCTION

The appointment of Notary Protocol Holders is an effort to maintain the continuity of the juridical life of the deed minutes and other documents included in the Notary Protocol (Apriliani & Ridwan, 2024). The Notary Protocol needs to be maintained and preserved because of its capacity as evidence for the parties involved in it, namely users of notary services. The absence of the appointment of a Notary Protocol Holder is a form of non-compliance and abdication of

responsibility of the Regional Supervisory Council towards the authority that has been delegated to it.

The paradigm of a Notary as a functionary in society and is considered an official where one can get reliable advice is still felt today, therefore everything that is written and determined (konstantir) is a truth and he is a document maker that has power in a legal process (Fauzi, 2015). This paradigm is embodied in the Notary Position Law and notarial practice in Indonesia so that Notary is said to be an office of trust because the public still trusts Notaries in confirming their legal actions. This also makes the Notary play a role in making and or authorizing written evidence that is authentic from a legal act committed by the community (Sulihandari & Rifiani, 2013).

In addition to its authority, public trust in Notaries is also caused by the obligation to keep the minutes of deeds and other registers made by Notaries as part of their obligations in carrying out their positions. This storage obligation creates a sense of security and protection for the public if they need a copy of the deed minutes at any time. Moreover, even though it is an office of trust, the State still provides a supervisory system to Notaries in carrying out their duties with the establishment of the Notary Supervisory Council consisting of the Regional Supervisory Council (MPD, *Majelis Pengawas Daerah*), Regional Supervisory Council (MPW, *Majelis Pengawas Wilayah*), and Central Supervisory Council (MPP, *Majelis Pengawas Pusat*) so that the public can be protected from Notary actions that can violate and harm their rights.

The Notary Protocol is a collection of documents that are state archives that must be stored and maintained by the Notary (Mulia et al., 2022). The Notary Protocol is classified as a vital archive, namely an archive whose existence is a basic requirement for the continuity of the Notary's operations as its creator because it cannot be renewed and is irreplaceable if damaged or lost (Selenggang, 2023). If the minutes are eaten by termites, wet due to humid storage rooms, lost due to theft or scattering, or damaged by fire, there will be no replacement, this is because the Notary cannot recreate the minutes of the deed that have been damaged or lost, but is only allowed to issue copies of the minutes of the deed.

Considering that the Notary Deed is a confirmation of the legal acts of service users, the legal consequences of these legal acts will continue, so there is still the potential for legal problems to occur in the future related to the legal acts that are confirmed in the deeds. This means that the minutes of deeds and documents included in the Notary Protocol can be needed at any time. The categorization of the Notarial Protocol as a state archive and its vital role for notaries and notary service users is enough to make it categorized as a very important and valuable document, so that rules are made that regulate special ways of storing, maintaining, and transferring it. The importance of the Notarial Protocol makes its storage and maintenance must continue even though the Notary who created it has passed away. This is indicated by the provision that in the event of the Notary's death, the protocol must be transferred by the Notary's heirs to another Notary appointed by the Regional Supervisory Council (hereinafter referred to as "MPD") as the protocol holder who will maintain and store the protocol.

However, in several cases it was found that there was no appointment of a new protocol holder of a deceased Notary by MPD such as in the case of Notary B in Sidoarjo who passed away in July 2021 but until July 2024 there was no appointment of a Notary protocol holder and the case of Notary HC where MPD stated that the handover of the Notary protocol could not be carried out even though the parties needed a copy of the original deed as in Decision Number 531/Pdt.G/2020/PNSBY. These cases show that in reality there is still a lack of appointment of a new Notary protocol holder by MPD which can cause confusion for Notary service users if they need a copy of the deed or other information related to the deed made by the deceased Notary and can harm Notary service users.

Based on the above background, the purpose of this study is to analyze the mechanism for the appointment of Notary Protocol Holders by the Regional Supervisory Council (MPD) as an effort to maintain the juridical continuity of the Notary Protocol left by the deceased Notary. This research aims to identify obstacles in the process of appointing a Notary Protocol Holder, evaluate the implementation of MPD's authority in this context, and provide recommendations on policies and practices that can improve the governance of the Notary Protocol. Thus, the benefits of this research are to provide theoretical and practical contributions in the management of the Notary Protocol as a vital state document. Theoretically, this research can enrich academic insights related to the regulation and implementation of Notary Protocol management in the Indonesian legal system. Practically, the results of this study are expected to serve as guidelines for MPD, Notaries, and other stakeholders in improving the effectiveness of the appointment of Notary Protocol Holders, as well as providing better legal protection to the public who use Notary services, especially in the case of deceased Notaries.

RESEARCH METHOD

This research employs a doctrinal research method, focusing on synthesizing rules, principles, norms, guidelines for interpretation, as well as values and practices related to Notaries and their administration, particularly concerning the Notary Protocol. Doctrinal research involves identifying, interpreting, and analyzing legal sources (Bhat, 2019) to provide a comprehensive understanding of the legal frameworks governing Notaries, the management of Notary Protocols, and their transfer upon the Notary's death.

The study adopts a prescriptive typology, which not only identifies and describes legal issues but also offers recommendations and solutions (Amiruddin, 2014). Data collection relies on secondary data derived from three main types of legal sources:

1. Primary legal sources: Statutory regulations directly relevant to Notaries, such as Law No. 30 of 2004 jo. Law No. 2 of 2014 concerning Notary Position (Mamudji et al., 2015), serve as the foundational basis for analysis.

2. Secondary legal sources: Supporting materials, including books, academic journals, and online resources, provide detailed insights into the application and implications of primary legal sources.
3. Tertiary legal sources: References such as Black's Law Dictionary and the Big Indonesian Dictionary are utilized to clarify terms and enhance the analysis of primary and secondary legal sources.

RESULTS AND DISCUSSION

The Role and Responsibility of the Regional Supervisory Council for the Protocol of Deceased Notaries

Notary Protocol as State Archives

The Notary Protocol is a collection of documents that constitute state archives whose storage and maintenance are carried out by Notaries in accordance with the provisions of laws and regulations. Archives come from the Dutch language 'archief' which is divided into 2 (two) types, namely 'dynamisch archief' or dynamic archives and 'statisch archief' or static archives. Dynamisch archief in English is defined as records while statisch archief is defined as archives (Basuki, 2015). Black's Law Dictionary defines archive as the storage of documents for a long period of time while archives is the place where these documents are stored (The law dictionary, 2024). The Big Indonesian Dictionary defines archives as written, oral, or pictorial documents from the past, stored in written, electronic media, usually issued by official agencies, stored and maintained in a special place for reference (KBBI, 2024).

Since the Notary protocol is included in the state archives, its regulation must also refer to the provisions of national archives. Article 1 point (2) of Law Number 43 of 2009 concerning Archives (hereinafter referred to as 'Archives Law') defines archives as records of activities or events in various forms and media in accordance with the development of information and communication technology made and received by state institutions, companies, individuals and others in the implementation of life in society, nation and state. Archives can be grouped into 2 (two) types, namely dynamic archives and static archives, where dynamic archives are divided into vital archives, active archives and inactive archives. Especially for archive creators in state institutions, local governments, state universities, BUMN, and BUMD, dynamic archives have additional categories, namely maintained archives and public archives.

Looking at the definition of these types of archives, the Notary protocol is classified as a dynamic archive because it is used directly in the activities of the archive creator (in this case the Notary) and is stored for a certain period of time, and is categorized as a vital archive because its existence is a basic requirement for the continuity of Notary operations that cannot be renewed and is irreplaceable if damaged or lost. Dynamic archive management is the responsibility of the archive creator while static archive management is the responsibility of the archive institution, meaning that the management of the notary protocol is the responsibility of the Notary itself,

but if certain conditions occur that cause the Notary to be unable or no longer authorized to manage the Notary protocol, the notary protocol must be handed over to another party appointed for that.

Archives have a storage or retention period stated in the Archive Retention Schedule (JRA) where the JRA is a list that contains retention, types of archives, and information regarding the status of archive determination to be destroyed, revalued or made permanent which serves as a guide in archive shrinkage and rescue. Considering that the notary protocol is a state archive classified as a vital archive because of its position as a requirement for the continuity of Notary operations and considering its position as authentic evidence that can be needed at any time by interested parties, the notary protocol does not have a storage period.

There is confusion as to whether notarial protocols can still be classified as dynamic archives that literally have a retention period or whether notarial protocols after a certain time will be classified as static archives that are made permanent and stored by the national archive institution. Another ambiguity arises from notarial protocols that are 25 (twenty-five) years old or older that are submitted to MPD. Permenkumham Number 16 of 2021 only stipulates that MPD is authorized to determine the place of storage of notary protocols when the handover is 25 (twenty-five years) old and to make and submit reports to the Regional Supervisory Council (MPW), but only to that extent and is not followed by detailed information and obligations or sanctions that will be imposed on MPD in relation to the management of notary protocols in its possession.

Procedures for Handover of Protocol of Deceased Notary and Responsibilities of Regional Supervisory Assembly

Documents included in the Notary Protocol are minutes of deeds, deed registers or repertorium, registers of deeds under the hand whose signing is done in the presence of a Notary or under the hand that is registered, registers of the names of the confrontants or clapper, registers of protests, registers of wills, and other registers that must be kept by the Notary based on the provisions of laws and regulations. According to Lumban Tobing, by referring to the Notary Office regulations, in general, the Protocol of Notary consists of bundles of minuta-minuta, repertorium, list of attestation of letters under the hand, list of protest deeds, and clapper (Tobing, 1980).

The Notary must record all deeds and letters made by or before him/her into the deed register, register of letters under hand, clapper register and other registers according to their respective types. Notarized copies of the deed registers and other registers must be submitted to the MPD no later than the 15th (fifteenth) day of each month. MPD will number the units and initial each page in the register except on the first and last page which will be signed by MPD and on the page before the first page a statement will be included regarding the number of pages of the register of deeds signed by MPD. This condition shows that MPD has the responsibility to inspect and supervise the Notary Protocol and the implementation of the Notary's obligation to

maintain and store the protocol. The implementation of this supervision is in accordance with the purpose of the establishment of MPD, namely to supervise and foster the performance of Notaries.

The MPD's responsibility in relation to the Notarial Protocol arises from the authority granted by Article 62 in conjunction with Article 70 of the Notarial Position Law whereby the MPD is authorized to conduct an examination of the Notarial Protocol periodically 1 (one) time in 1 (one) year or at any time if necessary, determine the place of storage of the Notarial Protocol, and appoint the Notary holding the Notarial Protocol. In relation to the inspection of the Notary Protocol by MPD, the Notary Law does not use the phrase 'responsible' but rather 'authorized'. Authorized means having authority or power. Bagir Manan stated that authority means rights and obligations, namely rights contain the freedom to do or not do something or demand other parties to do something and obligations contain the obligation to do or not do something. Harold D Laswell and Abraham Kaplan define authority as formal power so that those who have the authority have the right to issue orders and make regulations and have the right to request compliance with the regulations they make (Budiardjo, 2013). Indeed, authority gives the authorized party the choice to do or not do something. This authority is what makes MPD have the responsibility to conduct periodic examinations and can conduct examinations at any time and has the right to appoint another Notary as the holder of the Notary Protocol in the event that there are certain conditions that make the Notary making the Protocol unable to carry out his duties or no longer authorized to hold the Protocol.

The protocol of a Notary must be handed over to another party in the event that the Notary dies, has ended his/her term of office, requests the protocol to be handed over himself/herself, is spiritually and/or physically unable to carry out the duties of office as a Notary continuously for more than 3 (three) years, is appointed as a state official, moves to another area of office, is temporarily dismissed or is dishonorably dismissed. Other parties referred to are other Notaries appointed as protocol holders by MPD or appointed by the Minister at the suggestion of MPD. In relation to the role and responsibility of MPD towards the Notary Protocol of a deceased Notary, it can be described as follows.

First, receiving a report on the death of a Notary and then notifying the Directorate General of General Legal Administration of the death of the Notary. If the Notary dies, the husband/wife or blood relatives in a straight line of lineal descent up to the second degree must notify the Regional Supervisory Council no later than 7 (seven) working days after the Notary dies. However, this provision is different from Article 56 of the Regulation of the Minister of Law and Human Rights Number 19 of 2019 concerning Conditions and Procedures for Appointment, Leave, Transfer, Dismissal, and Extension of the Term of Office of Notary (hereinafter referred to as Permenkumham 19/2019) which stipulates that the mandatory period of notification to the MPD relating to the death of a Notary by the Heirs is 30 (thirty) days after the Notary dies which can be done manually or electronically. When referring to the principle of *lex superior derogate*

legi inferiori which emphasizes that lower rules must not conflict with higher rules and the hierarchy of Indonesian laws and regulations stipulated in Law Number 12 of 2011 concerning the Formation of Legislation, Permenkumham 19/2019 must not contain provisions that conflict with the Notary Position Law. Thus, the obligation of the heirs to notify the MPD regarding the death of the Notary must be done within 7 (seven) working days of the Notary's death. In the event that the Notary has no heirs, the notification or reporting of the Notary's death can be made by the Notary's employee or Notary's colleague accompanied by supporting documents in the form of a photocopy of the death certificate/legalized death certificate and/or a certificate from the closest relative of the deceased Notary that the Notary has no heirs.

However, in the event that there are no heirs and no Notary employees who report, the MPD must immediately take and clean up the deed minutes and Notary Protocol so that the Notary Protocol is maintained and does not harm its service users. This is the reason why MPD must actively supervise the performance and activities of Notaries within its working area.

Second, to manage the transfer of the Notary Protocol from the deceased Notary. Subekti argues that submission or 'levering' contains two meanings, namely actions in the form of transfer of power (feitelijke levering) and legal actions aimed at transferring ownership to other parties (juridische levering). The concept of submission according to Subekti is associated with the submission of the Notary Protocol which means that with the submission of the Notary Protocol to the Notary Protocol Holder, there has been a transfer of responsibility and authority to maintain, store and manage the protocol.

The handover of the Notary Protocol to the Notary Protocol Holder is carried out by making an official report of the handover of the Notary Protocol signed by the Notary Protocol Holder and the handover party and the chairman of the Regional Supervisory Council. Before the Protocol of the deceased Notary is handed over to the Notary Protocol Holder by the MPD, first the completion of the deed and other administration will be carried out by the Temporary Notary Officer. In this case, MPD also plays a role in appointing the Temporary Notary Official. Regarding the handover of the Notary Protocol due to the death of the Notary, there are 2 (two) scenarios that can occur, namely:

- a. Notary dies while carrying out his/her duties; and
- b. The notary passed away while on leave from his position.

In the event that a Notary dies while carrying out his/her duties, then after the MPD receives a report regarding the death of the Notary, the MPD will appoint and determine the Notary Protocol Holder within 30 (thirty) days, to be determined by the Minister within 30 (thirty) days. The delivery of the Notarial Protocol to the Notary Protocol Holder is carried out by MPD within a maximum of 30 (thirty) days from the date of the Minister's determination. The flow of protocol submission and appointment of Notary Protocol Holder is explained in the following chart.

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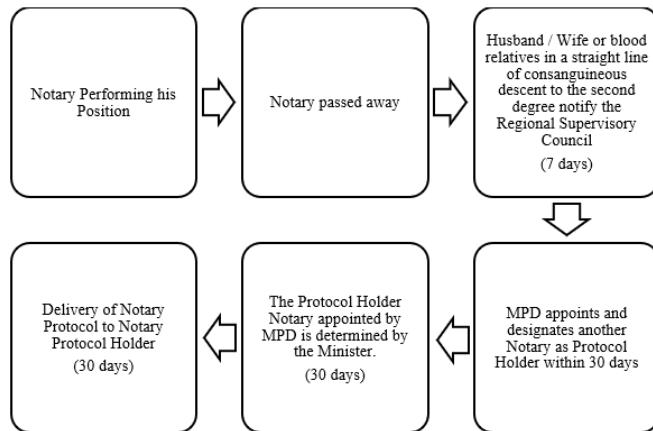


Figure 1. Flow of Protocol Submission and Notary Appointment of Protocol Holder in the event of Notary's Death while Performing His Position

In the event that a Notary dies while on leave from his/her position, the substitute Notary who replaces the Notary on leave will be appointed as an Acting Notary to temporarily serve as Notary and perform the position of the deceased Notary for a maximum of 30 (thirty) days from the date of the Notary's death. The Temporary Notary Officer is appointed by MPD to complete all work related to deeds, administration, and other work that has not been completed by the deceased Notary. No later than 30 (thirty) days following or 60 (sixty) days since the Notary passed away, the Temporary Notary Officer must submit the Notary Protocol of the deceased Notary to MPD and then the Notary Protocol will be submitted to the Notary Protocol Holder appointed by MPD. The Notary Protocol Holder will be responsible for the maintenance of the Notary Protocol and public services that require copies or information from documents included in the Protocol of the deceased Notary. The determination of the Protocol Holder Notary is carried out before the end of the term of office of the Temporary Notary (60 days). Thus, the flow of handing over the notary protocol and the appointment of a Notary Protocol Holder who dies while on leave is as follows.

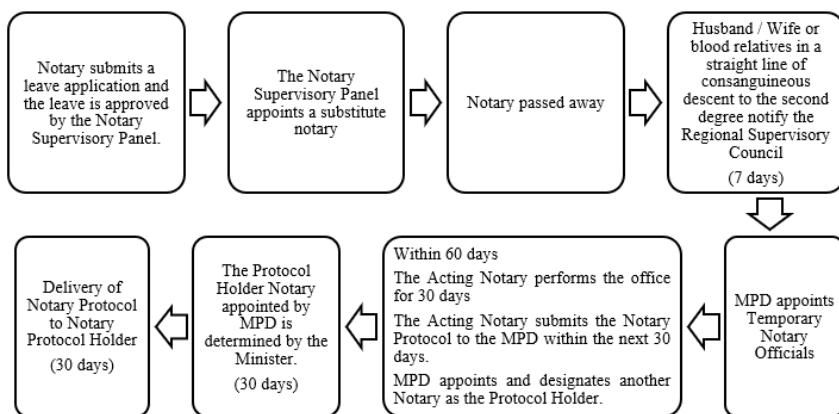


Figure 2. Flow of Protocol Submission and Notary Appointment of Protocol Holder in the event of Notary's Death while on Leave from Office

Third, to supervise the maintenance and management carried out by the Protocol Holder Notary over the Notarial Protocol of the deceased Notary. Supervision of the Notary Protocol by MPD does not stop with the death of the Notary or the end of the Notary's term of office, but continues even though the Notary Protocol has been managed by another Notary as the protocol holder. Supervision is carried out to see whether the Notary Protocol Holder stores, maintains and manages the Protocol of the deceased Notary properly including providing services to service users of the deceased Notary regarding the need for copies or information from the Protocol.

Legal Protection of Notary Service Users in the Event of No Appointment of Notary Protocol Holder who Passed Away

The storage and maintenance of the Notary Protocol is a manifestation of the Notary's responsibility in carrying out his/her position, respect for the position of the Notary Protocol as a state archive, as well as protection of Notary service users who entrust the confirmation of their legal actions to Notaries (Amrullah, 2017). It is said to protect users of Notary services because the Notary Protocol also contains the Deed Minute which can act as evidence with perfect evidentiary power. The essence of the Notary Protocol as evidence is what makes its storage and maintenance must be carried out on an ongoing basis to ensure that its function as evidence that provides legal protection for the parties involved in it continues to survive.

Protection to Notary service users is realized by the provisions governing the submission of deed minutes and other registers to other Notaries as Protocol Recipients who will become Protocol Holders to continue storing and managing the Notary Protocol. According to Habib Adjie, the storage of the Notary Protocol by the Protocol Holder Notary is an effort to maintain the juridical age of the notarial deed so that it continues to exist beyond the biological age of the Notary who made it, so that its role as perfect evidence for the parties or their heirs regarding all matters contained in the deed can be maintained (Rahman, 2019). Notary protocol holders can issue grosse deeds, copies of deeds and deed extracts from deed minutes that are part of the Notary Protocol that has been submitted to them (Putra et al., 2020), meaning that services to users of notary services can still be carried out even though the Notary who made them has passed away.

Problems arise when MPD does not appoint a Notary Protocol Holder of a deceased Notary, either because MPD does not make an appointment or because there is no Notary willing to become a Notary Protocol Holder. The MPD's ignorance of the death of a Notary either due to the absence of MPD's obligation to conduct an examination or due to the absence of a report on the death of a Notary is the cause of the absence of the appointment of a Notary Protocol Holder. In this case, a debate arises regarding the responsibility of MPD. In fact, there is no regulation that obliges MPD to check the performance of Notaries. However, considering that MPD is required by laws and regulations to supervise Notaries, especially the existence of Article 61 of UUJN which requires Notaries to report the making of deeds every month periodically to MPD, even if no deed is made Notaries must still report to MPD, meaning that MPD should know if

within 1 (one) month there is no reporting from the Notary, it is appropriate for MPD to check directly to the Notary's office. Thus MPD can be held accountable if it does not carry out its supervisory duties and does not appoint a Protocol Holder Notary, even if it is argued that MPD does not know that the Notary has passed away.

The factor of the absence of sufficient space to accommodate the protocol of the deceased Notary is also the reason for the absence of a Notary who is willing to accept the protocol so that the appointment of a Notary Protocol Holder cannot be made. In fact, a Notary should be forced to accept another Notary Protocol and become a Notary Protocol Holder considering that in the terms of appointment the Notary has attached a statement of willingness to become a protocol holder, which if in the future the Notary is not willing to accept the protocol, the MPW, MPP or Minister can impose sanctions on the Notary.

The absence of Notary Protocol Holders will cause confusion for users of Notary services related to whom to ask for copies of deed minutes or needs regarding other correspondence information that is part of the Notary Protocol if at any time service users need it which can lead to losses for Service Users. Philipus M Hadjon argues that legal protection includes preventive protection and repressive protection, so there must be prevention and law enforcement including dispute resolution in the event of a violation. This opinion refers to the necessity of preventive action to prevent violations that harm the community and repressive action to resolve violations, which in this case is the absence of the appointment of a Protocol Holder Notary. Both preventive and repressive actions can be taken by parties related to the implementation of the duties and positions of Notary, especially in relation to the Delivery of the Notary Protocol. Preventive actions that can be taken to prevent the absence of the appointment of a Notary Protocol Holder include:

Action by Notarial Heirs

One of the causes of the absence of the appointment of a Notary Protocol Holder is due to the absence of reporting on the death of the Notary to the MPD. The reporting is the responsibility of the Notary's heirs in accordance with the provisions of Article 56 paragraph (1) Permenkumham 19/2019. In BW inheritance law, a principle applies 'when a person dies, all rights and obligations immediately pass to all his heirs'. Although the rights and obligations incumbent on the testator are intended for the legal field of property that can be valued in money, so they do not include rights and obligations in public law or those arising from decency and courtesy (Ghanesa & Zulaika, n.d.), but the heirs should have participated in making arrangements to resolve the rights and obligations of the testator (in this case the Notary) during his lifetime by notifying the MPD of the Notary's death so that the absence of a Protocol Holder Notary can be prevented. In addition to notification, the heirs of the Notary should secure the Notary's documents, especially those that become Notary Protocols until there is an appointment of a Notary Protocol Holder to prevent loss or damage to documents that can harm users of notary services.

Action by the Regional Supervisory Council (MPD)

MPD has the obligation to conduct an examination of the Notary Protocol as well as the appointment of a Notary Protocol Holder who will receive, store and manage the Notary Protocol of the deceased Notary. However, sometimes MPD does not make an appointment, so to prevent this, several things need to be done, namely: (i) develop rigid Operational Standards regarding the appointment and appointment of Notary Protocol Holders; (ii) periodically supervise and check the implementation of the Notary position in its domicile; (iii) build a communication network with Notaries included in its area so that information about Notaries can be obtained; and (iv) collect data collection and documentation of notary protocols to facilitate the transfer. These things are done to ensure that the provisions of Article 56 and Article 61 paragraphs (1) and (2) of Permenkumham 19/2019 which stipulate that the heirs or employees of the notary must report the death of the Notary to the MPD and the MPD's authority to determine another Notary as the Notary Protocol Holder before the end of the Notary Temporary Position Period (60 days) can be implemented in accordance with applicable regulations.

Action by the Ministry of Law and Human Rights (MoLH)

The Ministry of Law and Human Rights as the organ that regulates and supervises the implementation of the office of Notary has a role to prevent the absence of Notary Protocol Holders by: (i) making regulations regarding the appointment and appointment of Notary Protocol Holders along with detailed guidelines regarding the process and conducting socialization to Notaries, heirs, and Notary employees as related parties regarding the importance of the process; (ii) supervising the performance of the Notary Supervisory Council including MPD to ensure procedures related to notification of Notary's death, appointment and appointment of Notary Protocol Holders and submission of the protocol are in accordance with applicable regulations; (iii) establishing a centralized supervision system that can monitor in real time the status of Notary Protocols so that problems can be immediately recognized and resolved.

According to Soerjono Soekanto, legal protection is a guarantee that the rights of individuals or communities are protected by law from various threats which are realized by the right to sue, file objections and get protection from the court. The existence of these rights is a manifestation of legal protection according to Satjipto Rahardjo that legal protection does not only focus on written rules but also on justice felt by the community.

The main thing to be achieved is the fulfillment of the needs of service users who are the rights of these service users, in this case obtaining copies of deeds, information, and or other information relating to deeds made by deceased Notaries included in the Notary Protocol. The fulfillment of this right must be carried out as soon as possible. In order to fulfill it, MPD must ensure that there is an appointment of the Protocol Holder Notary of the deceased Notary. If MPD has not made an appointment, then the service user can make a report by writing to the chairman of MPD, chairman of MPW, chairman of MPP, and the Ministry of Law and Human

Rights which is carried out in stages according to the bureaucracy. If a Notary Protocol Holder cannot also be appointed, MPD in accordance with its duties and authorities can temporarily manage the Notary Protocol so that the fulfillment of the rights of the public who are notary service users can continue.

Actions to sue and file objections are repressive actions that can be taken in order to obtain legal protection. Referring to this opinion, the MPD can be sued in court if it does not carry out its duties and authorities properly, including if it is negligent in appointing a Notary Protocol Holder after learning of the death of a Notary. The appointment of a new Notary Protocol Holder is carried out in order to maintain the accessibility and security of Notarial deeds and other lists that become Notary Protocols left by the deceased Notary. This is also a manifestation of the supervisory function owned by the MPD towards the implementation of the notary position. Thus, if MPD fails to carry it out, users of notary services who feel aggrieved and suffer losses can file objections and/or lawsuits against MPD's actions based on the principle of government or public agency responsibility.

People who feel aggrieved can first file an objection to the MPD which at the same time seeks information about the reasons for the absence of the appointment of the Protocol Holder Notary. In the event that the absence of the appointment occurs due to the absence of a report on the death of the Notary, the MPD can first confirm with the heirs, employees of the notary or colleagues of the notary regarding the truth of the death of the notary to be processed accordingly. However, if the absence of appointment by MPD does not have a valid reason, then the public can demand MPD to carry out the process properly, which if not also carried out by MPD can be followed up by reporting it to MPW and MPP as organs that have the authority to supervise the implementation of the office of Notary and its apparatus as well as to the Ministry of Law and Human Rights as an institution that delegates the task of community service to Notary and its apparatus.

A lawsuit against MPD can be filed through the District Court on the basis of Unlawful Acts (PMH). PMH as it has developed since the Hoge Raad Decision on December 31, 1919 in the Lindendaum-Cohen case or also known as Arrest 1919 is an act, namely either doing or not doing with 4 (four) criteria, namely: (i) contrary to the legal obligations of the perpetrator; (ii) violating the subjective rights of others; (iii) violating the rules of morality; (iv) contrary to the principles of decency, accuracy and prudence that should be owned by a person in social life. Unlawful acts that bring harm to others, oblige a person who through his fault or negligence causes the loss to compensate for the loss. Thus, the MPD's action of not appointing a Protocol Holder Notary is an act that is contrary to its legal obligations and harms service users, so that it can be sued with PMH through the District Court.

CONCLUSION

The conclusion of the research is that the responsibility of the Regional Supervisory Council (MPD) in managing the Notary Protocol left by a deceased Notary begins with the appointment of a Temporary Notary Officer after the Notary's death report is received. This process is followed by the appointment of a Notary Protocol Holder who is in charge of maintaining and managing the Notary Protocol. The Protocol Holder Notary is responsible for providing services to the public, such as providing grosse deeds, copies of deeds, or excerpts of deeds from the minutes of deeds included in the Notary Protocol. This step aims to protect the juridical continuity of these documents, so that people who use Notary services still get legal protection even though the Notary making the deed has passed away.

As a user of Notary services, the public has the right to obtain legal protection for the deeds that have been made. If the appointment of the Protocol Holder Notary is not implemented, the public has the right to file a lawsuit or objection through the District Court, the Regional Supervisory Council (MPW), the Central Supervisory Council (MPP), and the Ministry of Law and Human Rights which is responsible for supervising the position of Notary. This research provides an important foundation for the development of better policies related to the governance of the Notary Protocol in the future, including the digitization of documents, strengthening supervision, and more comprehensive legal protection for the public. Thus, the governance of the Notary Protocol is expected to be more effective and adaptive to the needs of society and the times.

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