



# Implementation Analysis of Article 65 of Permenkumham No. 19/2019 on Notary Protocol Submission in Lampung

Article	Abstract
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## INTRODUCTION

Notary is a legal profession held by a person who has completed formal legal education and is authorized by the government to carry out legal acts, particularly to serve as a public official in witnessing and authenticating deeds (akta autentik)(Vadilla et al., 2023). Historically, the notarial profession has existed since the Roman era, known as *tabellius*, *scribae*, or *notarius*, who were responsible for documenting speeches and legal transactions(Borman, 2019). In Indonesia, the existence and duties of notaries are regulated under Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 on the Position of Notary (UUJN), which affirms that notaries have the authority to make authentic deeds concerning all acts, agreements, and legal determinations required by law or the parties to be stated in an authentic deed(Sufriadi, 2019).

According to Article 15 of the UUJN, a notary has the authority to ensure the validity and authenticity of legal documents, to keep and maintain the original deeds (minuta akta), and to issue official copies (salinan) and excerpts (kutipan) of these deeds (Agustini et al., 2021). Furthermore, based on Article 16 paragraph (1) letter b of the UUJN, every notary is obliged to keep the minuta akta as part of the notary protocol, which serves as authentic evidence of legal actions made before the notary(Cahyadi et

al., 2024). The notary protocol itself is a collection of official documents such as minuta akta, registers, and other notarial records that have legal standing as state archives (Mariani et al., 2022). The storage and transfer of these protocols are essential to maintain legal certainty and prevent the loss of valuable public documents (Djumardin, 2021).

Article 65 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 19 of 2019 concerning Terms and Procedures for Appointment, Transfer, Dismissal, and Extension of Notary Duties stipulates that when a notary's term of office ends due to retirement, death, or dismissal, the notary is required to hand over the notary protocol to another notary appointed by the Regional Supervisory Council (*Majelis Pengawas Daerah*) (UTAMI et al., 2023). This procedure aims to guarantee the continuity and safekeeping of public legal records, ensuring that citizens can still access authentic copies of deeds when necessary (Hasanuddin; HS, 2020).

In practice, however, the implementation of Article 65 still faces several challenges (Oktavianti, 2024; Putra, 2024). Many notaries fail to comply with their obligation to submit their notary protocols after the end of their term, either due to lack of awareness, negligence, or the absence of strict enforcement by supervisory institutions (Firmansyah, 2024). This negligence can result in serious consequences, such as the loss or unavailability of authentic deeds needed by parties for legal verification (Vicky et al., 2024). Moreover, the lack of an incentive system or reward mechanism for compliant notaries and the absence of clear administrative sanctions for violations further hinder the effective enforcement of this regulation.

Empirical data from the Lampung Regional Office of the Ministry of Law and Human Rights indicates that not all former notaries fulfill their obligation to hand over their protocols, which creates administrative and legal difficulties for the Regional Supervisory Council. Such conditions undermine the principle of legal certainty (*kepastian hukum*) and the protection of citizens' rights to access public legal documents. Additionally, the limited public understanding regarding the importance of notary protocols contributes to the weak implementation of these legal provisions.

The aforementioned problems illustrate that despite the clear legal framework established by the UUJN and Permenkumham No. 19 of 2019, the implementation of Article 65 regarding the submission of notary protocols at the end of the notary's term has not yet been fully effective. Therefore, this study aims to analyze the implementation of Article 65 of the Regulation of the Minister of Law and Human Rights No. 19 of 2019 in the Lampung Regional Office, particularly focusing on the effectiveness of protocol submission procedures and the obstacles faced by the authorities in ensuring compliance. The formulation of the problems in this study are: (1) How is the implementation of Article 65 of the Regulation of the Minister of Law and Human Rights No. 19 of 2019 concerning the submission of notary protocols in the event that a notary's term of office has ended in the Lampung Regional Office? and (2) What are the obstacles faced by the Lampung Regional Office in implementing the provisions of Article 65 of the Regulation of the Minister of Law and Human Rights No. 19 of 2019?

## RESEARCH METHODS

This research employs both normative and empirical juridical methods with an analytical descriptive approach, using primary, secondary, and tertiary legal materials, where the normative approach focuses on the analysis of applicable legal norms,

principles, and regulations relevant to the research problem, while the empirical approach examines their implementation, effectiveness, and practical implications within the Lampung Regional Office of the Ministry of Law and Human Rights through field data and factual conditions, so that the study not only provides a theoretical and conceptual understanding of the legal framework but also offers an overview of how these norms operate in practice, highlighting discrepancies, supporting factors, and obstacles encountered in their application (Hasan, 2018).

## **RESULTS AND DISCUSSION**

### **A. Implementation of Article 65 of the Regulation of the Minister of Law and Human Rights Number 19 of 2019 concerning the Submission of Notarial Protocols in the Event that a Notary's Term of Office Has Ended at the Lampung Regional Office of the Ministry of Law and Human Rights.**

Based on the results of an interview with Mr. Adil Jaya Negara, acting as Chair of the Regional Supervisory Council for Notaries in North Lampung Regency, Way Kanan, West Lampung, and Pesisir Barat, he explained that the submission of the Notarial Protocol to a notary whose term of office has ended because he or she has reached the age of 65 (sixty-five) years or 67 (sixty-seven) years has been carried out in accordance with the Regulation of the Minister of Law and Human Rights Number 19 of 2019. Furthermore, Mr. Adil Jaya Negara stated that the technical provisions related to the submission of the Notarial Protocol are regulated in detail in the Regulation of the Minister of Law and Human Rights Number 19 of 2019 concerning the Requirements and Procedures for Appointment, Dismissal, Transfer, Termination, and Extension of the Term of Office of Notaries.

From the interview with Mr. Kuspermadi, a Notary in North Lampung Regency and Member of the Regional Supervisory Council (Majelis Pengawas Daerah/MPD) for Notaries in North Lampung, Way Kanan, West Lampung, and Pesisir Barat, he presented an example related to the submission of the Notarial Protocol in the event that the term of office of a notary in North Lampung Regency has ended. Furthermore, Mr. Kuspermadi explained the procedures and mechanisms by which the MPD of North Lampung Regency takes follow-up actions regarding the submission of the Notarial Protocol by notaries whose term of office has ended, as follows: (1) the MPD conducts coordination and urges Notary Mujiriyatno to immediately notify, either in writing or electronically, no later than 60 (sixty) days before the concerned notary reaches the age of 67 (sixty-seven) years; (2) the MPD also coordinates and urges the notary to submit a recommendation letter for the appointment of a notary who will serve as the holder of the Notarial Protocol; (3) after receiving the notification and complete data, the MPD prepares a letter of submission regarding the dismissal of the notary and the appointment of the holder of the Notarial Protocol, which is then sent to the Directorate General of General Legal Administration (Ditjen AHU), Ministry of Law and Human Rights, after the MPD has also received a letter of willingness from the notary appointed as holder of the Notarial Protocol so that the handover process can proceed without obstacles; and (4) after the Ministerial Decree concerning the Dismissal of the Notary and the Appointment of the Holder of the Notarial Protocol is issued, the MPD facilitates and supervises the handover of the Notarial Protocol and prepares an official minutes/report of the handover.

Taking as an example the implementation of the submission of the Notarial Protocol from Notary Mujiriyatno to Notary Tri Astuti, domiciled in North Lampung Regency, the

author then reflects this practice in the drafting of the minutes of the handover of the Notarial Protocol. Referring to Lawrence Meir Friedman's concept of the legal system, the role of law as an instrument of social control can be observed when law is projected to bring about change in society. As a legal system within the broader social system, law consists of three elements, namely structure, substance, and legal culture.

The first element, structure, is the institutional framework that persists and provides form and limits to the whole system. In the context of the implementation of the submission of the Notarial Protocol in the event that the notary's term of office has ended to the holder of the Notarial Protocol at the Lampung Regional Office of the Ministry of Law and Human Rights, the structure in question is the Regional Supervisory Council (MPD) for Notaries in North Lampung, Way Kanan, West Lampung, and Pesisir Barat, which performs its duties and functions based on Article 65 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 19 of 2019.

The second element, substance, refers to the rules, norms, and concrete behavior of individuals operating within the legal system, including the decisions produced by those actors. The substantive basis in this case is the Ministerial Decree of the Minister of Law and Human Rights Number AHU-00177.AH.02.04 of 2023, by which Mr. Mujiriyatno AM, S.H. was dismissed as Notary in North Lampung, Way Kanan, West Lampung, and Pesisir Barat. Another substantive basis is the Ministerial Decree of the Minister of Law and Human Rights Number AHU-00171.AH.02.04 of 2023 concerning the Appointment of the Holder of the Notarial Protocol, appointing Triastuti, S.H., M.Hn., Notary in North Lampung Regency, as holder of the Notarial Protocol of Mujiriyatno AM, S.H., as well as other Notarial Protocols stored at the office of Mujiriyatno AM, S.H.

The third element, legal culture, is the attitude of individuals toward law, including beliefs, values, views, and expectations. Legal culture is the social mindset and social forces that determine how the law is used, obeyed, or misused. In this context, legal culture is closely related to the extent to which notaries understand, appreciate, and comply with the prevailing laws and regulations, especially the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 19 of 2019 concerning the Requirements and Procedures for Appointment, Dismissal, Transfer, Termination, and Extension of the Term of Office of Notaries.

Based on the foregoing, it can be analyzed that Article 65 of the Regulation of the Minister of Law and Human Rights Number 19 of 2019 relating to the Submission of the Notarial Protocol in the event that a notary's term of office has ended at the Lampung Regional Office of the Ministry of Law and Human Rights has in principle been implemented. However, in practice, the implementation still exceeds the time period stipulated in the applicable laws and regulations, indicating the existence of procedural delays that need to be critically evaluated and addressed through strengthening institutional coordination, compliance culture among notaries, and more effective supervision by the Regional Supervisory Council.

#### **B. Inhibiting Factors in the Process of Implementing Article 65 of the Regulation of the Minister of Law and Human Rights Number 19 of 2019 Related to the Submission of Notarial Protocols in the Event that a Notary's Term of Office Has Ended**

Based on the results of an interview with Mr. Adil Jaya Negara, Chair of the Regional Supervisory Council (Majelis Pengawas Daerah/MPD) for Notaries in North

Lampung, Way Kanan, West Lampung, and Pesisir Barat, it was explained that there was one case of submission of a Notarial Protocol in North Lampung Regency whose process took a very long time, namely the Notarial Protocol of Notary Mujiriyatno AM, S.H. The end of a notary's term of office is a legal event that inevitably raises legal uncertainty and leaves other issues related to the Notarial Protocol. Referring to the Regulation of the Minister of Law and Human Rights Number 19 of 2019, a notary whose term of office has ended because he or she has reached the age of 65 (sixty-five) or 67 (sixty-seven) years is obliged to notify the Regional Supervisory Council at the latest 60 (sixty) days before the end of the term of office. The obligation of the notary is not only to provide notification to the Regional Supervisory Council but also to hand over the Notarial Protocol to the notary appointed as the recipient of the Notarial Protocol.

Based on an interview with Mr. Kuspermadi, a notary who concurrently serves as a member of the MPD, regarding the submission of the Notarial Protocol by Notary Mujiriyatno AM, S.H., the MPD for Notaries in North Lampung, Way Kanan, West Lampung, and Pesisir Barat has taken several steps in accordance with the implementation of Article 65 of the Regulation of the Minister of Law and Human Rights Number 19 of 2019 concerning the Requirements and Procedures for Appointment, Dismissal, Transfer, Termination, and Extension of the Term of Office of Notaries. These efforts include coordination, written and electronic communication, and facilitation of the formal handover process, but in this particular case the process still experienced a significant delay.

From the above explanation, it can be concluded that in reality there are considerable obstacles in the submission of Notarial Protocols after the end of a notary's term of office. In the case discussed, the notary concerned became an inhibiting factor in the submission process due to a lack of cooperation. The minimal level of socialization regarding the rules on Notarial Protocols also has the potential to cause losses to the public who need access to the protocols that should be stored and submitted to the notary appointed by the Regional Supervisory Council. In practice, there are still notaries who are late in submitting or even have not submitted the Notarial Protocol to the designated receiving notary. This research raises the case of Notary Mujiriyatno, S.H., whose term of office had ended but who did not submit the Notarial Protocol within a maximum period of 60 (sixty) days as stipulated in Article 65 of the Regulation of the Minister of Law and Human Rights Number 19 of 2019.

In relation to the notary's obligation to submit the Notarial Protocol upon the end of his or her term of office, the notary is obliged to notify the Regional Supervisory Council and at the same time propose another notary as the holder of the Notarial Protocol. The Notarial Protocol must be handed over by means of a formal report of handover carried out before the MPD. This situation creates legal uncertainty for members of the public who require clarification or copies of the minutes of deeds they have made, and can even cause concrete losses to parties related to the deed. However, after examining the regulations related to the submission of Notarial Protocols upon the end of a notary's term of office, it appears that the obligation imposed on notaries to submit the Notarial Protocol is not accompanied by clear legal sanctions in the event that the notary is late in fulfilling this obligation. Consequently, when a violation occurs, there



is no specific legal remedy that can be taken against the notary based on the Law on Notary Position.

Furthermore, based on an interview with Mr. Adil Jaya Negara, legal measures have not yet been taken by the Regional Supervisory Council for Notaries in North Lampung, Way Kanan, West Lampung, and Pesisir Barat, because they are still considering what sanctions could be imposed in such a case. In the absence of explicit sanctions for notaries who intentionally delay the submission of the Notarial Protocol, proactive measures from the MPD are highly necessary. The Law on Notary Position (UUJN) does not provide detailed provisions on sanctions directed at notaries who fail to promptly notify the MPD and hand over the Notarial Protocol to the designated recipient notary, thus creating a regulatory gap.

In light of the concept of law as a tool of social engineering, law should function as an instrument for social reform so that it can influence and direct social philosophy and behavior. In this context, the formulation of policies or additional regulations is needed to fill the legal vacuum concerning the responsibility of notaries in the submission of Notarial Protocols. The view that law serves as a basic instrument for social innovation and directs society toward the desired order demonstrates that law should work as a tool to regulate and control social behavior.

The supporting theoretical framework for the concept of law as a means of social engineering, as put forward by scholars such as Roscoe Pound and further elaborated in theories of legal effectiveness and validity, is also relevant here. According to Hans Kelsen, when discussing legal effectiveness, it is necessary to also discuss legal validity. Legal validity implies that legal norms are binding and must be obeyed by everyone. Legal effectiveness means that people actually behave in accordance with the legal norms and that those norms are truly implemented and complied with in practice.

Thus, it can be analytically concluded that an inhibiting factor in the implementation of Article 65 of the Regulation of the Minister of Law and Human Rights Number 19 of 2019 concerning the Submission of Notarial Protocols in the event that a notary's term of office has ended at the Lampung Regional Office of the Ministry of Law and Human Rights is the absence of clear and firm legal sanctions against notaries who are not cooperative in carrying out their obligation to submit the Notarial Protocol after the end of their term of office. This regulatory weakness reduces the effectiveness of the norm, creates legal uncertainty for the public, and shows the need for a more comprehensive regulatory and supervisory framework.

## **CONCLUSION**

The research concludes that the implementation of Article 65 of the Regulation of the Minister of Law and Human Rights Number 19 of 2019 regarding the submission of Notarial Protocols after the end of a notary's term of office at the Lampung Regional Office is normatively well regulated but empirically weak. Although the Regional Supervisory Council (MPD) has carried out coordination and facilitation in accordance with the regulation, the submission process often exceeds the 60-day limit, mainly due to non-cooperative notaries. This delay generates legal uncertainty and may harm parties who require timely access to Notarial Protocols and copies of deeds.

The main inhibiting factor is the absence of explicit and firm sanctions for notaries who fail to promptly submit their Notarial Protocols, which reduces the effectiveness and enforceability of Article 65. Therefore, it is recommended that the Regulation of the Minister of Law and Human Rights and, if necessary, the Law on Notary Position be revised to include clear administrative and disciplinary sanctions for non-compliant notaries. In addition, the MPD and the Regional Office should strengthen preventive supervision through stricter standard operating procedures, digital monitoring of deadlines, and more intensive education of notaries, so that compliance arises both from legal obligation and professional ethics.

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