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## Implementation of Notarial Authority in Providing Legal Counseling for Deed Creation in Mataram City

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### Abstract

This thesis examines the Implementation of Notarial Authority in Providing Legal Counseling in Relation to Deed Creation in Mataram City. The problems formulated in this research are: first, what is the urgency and relevance of legal counseling provided by Notaries to clients during the deed creation process; and second, how is the implementation of the authority to provide legal counseling by Notaries to clients in Mataram City. This type of research is empirical juridical with a socio-legal approach, a statutory approach, and a conceptual approach, analyzed using qualitative methods. The results of this research indicate that, first, the urgency and relevance of providing legal counseling by a notary to clients is an obligation for a notary to provide legal knowledge to clients to create legal order in society. Legal counseling is crucial to support the smooth process of deed creation and serves as a precautionary measure for a notary to prevent future disputes involving the parties or the notary themselves. Second, regarding the implementation of providing legal counseling by Notaries in Mataram City, it is found that Notaries in Mataram City provide legal counseling in various ways according to their respective understanding and abilities. Legal counseling is provided based on the client's needs for the deed creation process. There are two methods of legal counseling conducted by Notaries in Mataram City, namely direct legal counseling through face-to-face interaction with clients at the notary's office and indirect counseling through electronic media.

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### 1. Introduction

The legal profession is inherently linked to public life. Legal practitioners must possess scientific expertise in their respective fields to independently fulfill the community's need for legal services. One such legal practitioner is the Notary.<sup>[1]</sup>

A Notary is a public official appointed by the state to perform duties in providing legal services to the public, aimed at achieving legal certainty as an authorized official for drafting authentic deeds in civil matters. The existence of a Notary is fundamentally to serve the public interest.

The office of the Notary is regulated under Article 1, Paragraph (1) of Law Number 30 of 2004 concerning the Office of Notary (*Undang-Undang Jabatan Notaris* or UUJN), as amended by Law Number 2 of 2014, which stipulates that a Notary is a public official authorized to create authentic deeds and other authorities as provided for in the law. Notaries play a unique role; within society, they appear as figures of public authority, educators, and advisors. The office of the Notary possesses two essential characteristics: impartiality and independence in aiding clients.<sup>[2]</sup>

<sup>1</sup> Abintoro Prakoso, *Etika Profesi Hukum, Telaah Historis dan Teoritis Kode Etik Notaris, Advokat, Polisi, Jaksa dan Hakim* (Legal Professional Ethics: A Historical and Theoretical Study of the Code of Ethics for Notaries, Advocates, Police, Prosecutors, and Judges), (Surabaya: LaksBang Justitia, 2015), p. 115.

<sup>2</sup> Lex Humana, "Makna Pemberian Penyuluhan Hukum Oleh Notaris Pembuatan Akta Menurut Undang-Undang Jabatan Notaris" (The Significance of Legal Counseling by Notaries in Deed Creation Under the Notary Office Act), *Jurnal Hukum dan Humaniora*, Vol. 1 No. 1, October 2016, p. 55

The authority of a Notary in exercising their office is stipulated in Article 15, Paragraph (1) of the UUJN: Notaries are authorized to create authentic deeds regarding all acts, agreements, and stipulations required by laws and regulations and/or desired by interested parties to be stated in an authentic deed, ensuring the certainty of the deed's date, storing the deed, and providing grosse, copies, and excerpts of the deed, provided that the creation of such deeds is not otherwise assigned or excepted to other officials or persons designated by law.

Authentic deeds made by a Notary serve as conclusive evidence, as intended by Article 1870 of the Indonesian Civil Code (KUHPerdata). An authentic deed provides the parties, including their heirs or assigns, with absolute proof of what is contained or declared within the deed. This means that if an authentic deed is presented to a judge as evidence, the judge must accept and assume that the events recorded in the deed actually occurred, unless the interested party can prove otherwise in court. The integrity of a Notarial deed as evidence does not require further interpretation beyond what is written.<sup>[3]</sup> Thus, it is expected that authentic deeds drafted by or before a Notary provide legal certainty and clearly define the rights and obligations of the parties involved.

In providing services, Notaries must adhere to applicable regulations. This is vital because a Notary does not act solely for personal interest but for the public interest, with an obligation to guarantee the truth of the deeds they produce. Therefore, a Notary is required to be sensitive, honest, fair, and transparent to protect all parties. In performing their duties, Notaries must strictly adhere to the Notarial Code of Ethics; otherwise, professional dignity and public trust will diminish.

As public officials, Notaries are responsible for exercising their authority by providing legal counseling to parties before a deed is created. Legal counseling is part of national legal development. It serves as a form of socialization to illustrate the essence of justice.<sup>[4]</sup> The functions of legal counseling include preventive, corrective, preservative, and developmental measures. First, as a preventive measure, it prevents the emergence of negative or destructive rights that could harm the community. Second, as a corrective measure, it functions to correct existing issues, reducing or eliminating the impact of legal violations. Third, as a preservative measure, it encourages community participation in legal development according to their respective roles. Fourth, as a developmental function, it provides input so that society becomes more independent and less reliant on other parties.<sup>[5]</sup> The provision of legal counseling by Notaries is regulated in Article 15, Paragraph (2), point (e) of the UUJN, which states that Notaries are authorized to provide legal counseling and explanations to interested parties regarding the authentic deeds to be drafted.

Fundamentally, a Notary's task is to formulate the intentions or actions expressed by the appearers (penghadap) into a deed. Consequently, a Notary must possess a profound understanding of the law to identify the legal acts intended by the appearers and must provide accurate legal counseling. This counseling is essential so that parties understand the

legal consequences, rights, and obligations arising from their actions. Proper legal counseling provides parties with confidence and prevents future disputes. Thus, legal counseling before deed creation serves a crucial preventive function.

However, Article 15, Paragraph (2), point (e) of the UUJN does not provide a standardized format for how this counseling should be conducted, making it difficult to determine whether a Notary has fulfilled this obligation. To date, there are no clear regulations governing the delivery of legal counseling, leading to varying interpretations among Notaries. Based on discussions with several Notaries, implementations vary; some provide counseling before the deed is drafted, while others do so after. Furthermore, the UUJN does not stipulate sanctions for Notaries who fail to provide legal counseling. Therefore, clear regulations regarding the provision of legal counseling by Notaries are necessary.

Based on the aforementioned context, this research examines the following problems: what is the urgency and relevance of legal counseling by Notaries during deed creation, and how is the authority to provide legal counseling implemented by Notaries in Mataram City?

## 2. Research Method

This research employs a juridical-empirical method, which examines positive legal aspects alongside the practical application of law within society. The study begins with the analysis of secondary data, followed by the collection of primary data through field research to examine the implementation of legal counseling by Notaries in Mataram City.

Data collection methods used in this study are as follows:

- Primary Data: Obtained through semi-structured interviews with relevant stakeholders, specifically Notaries practicing in Mataram City.
- Secondary Data: Acquired through literature reviews, including relevant statutes, legal textbooks, journals, internet sources, and legal dictionaries pertinent to the research problems discussed in this thesis.

The data is analyzed using a qualitative analysis method. This involves understanding and synthesizing field research results supported by literature data to ensure accuracy. The analytical process follows these steps:<sup>[6]</sup>

1. Classification: Categorizing research data based on the formulated research problems.
2. Editing: Reviewing and verifying the data individually for completeness and consistency.
3. Systematization: Organizing the classified data into a structured format to facilitate discussion.
4. Analysis: Interpreting the systematized data to serve as a foundation for drawing conclusions.

In practice, the researcher classifies all data obtained from both field and library research. The editing phase ensures the data's adequacy before it is systematized into specific patterns. Finally, the researcher selects and analyzes the

<sup>3</sup> Habib Adjie, *Kebatalan dan Pembatalan Akta Notaris* (Nullity and Annulment of Notarial Deeds), (Bandung: PT. Refika Aditama, 2013), p. 7

<sup>4</sup> Sudjito, "Critical Legal Studies (CLS) dan Hukum Progresif Sebagai Alternatif Dalam Reformasi Hukum Nasional dan Perubahan Kurikulum Pendidikan Hukum" (Critical Legal Studies (CLS) and Progressive Law as Alternatives in National Legal Reform and Legal Education Curriculum

Changes), *Jurnal Ultimatum Sekolah Tinggi Ilmu Hukum Iblam*, Vol. 2, September Edition, 2008, p. 3.

<sup>5</sup> Ibid,

<sup>6</sup> Abdulkadir Muhammad, *Hukum dan Penelitian Hukum*, (Bandung: PT. Citra Aditya Bakti, 2004), p. 127

relevant data to formulate comprehensive answers to the research questions.

### 3. Discussion

#### 3.1. The Urgency and Relevance of Notarial Legal Counseling for Clients During Deed Creation

Law is an inseparable part of social life; where there is society, there is a legal system (*ubi societas ibi ius*). Law seeks to maintain a balance between individual interests and the collective good to prevent conflict. Its presence serves to uphold the equilibrium between private and public rights, ensuring both certainty and justice for the community.<sup>[7]</sup>

In essence, legal practitioners' judges, prosecutors, Notaries, and police are defenders of truth and justice. They must exercise their duties with good faith and sincerity, as the legal profession is an *officium nobile* (a noble profession). Consequently, legal professionals should view their work as a vocation to serve others in the field of law.<sup>[8]</sup>

To increase public service and legal awareness, Notaries function as legal counselors, as stipulated in Article 15 Paragraph (2) point (e) of the UUJN. When requested by the public, Notaries provide legal counseling and explanations regarding applicable laws.<sup>[9]</sup> This authority is a fundamental part of the deed-creation process, aimed at fostering legal awareness and knowledge.

Legal counseling is defined as the dissemination of information and the fostering of an understanding of legal norms and regulations to develop public legal awareness, ultimately creating legal order and obedience. It does not merely provide information but seeks to cultivate an attitude of compliance and adherence to the law in social life.

The diversity of Indonesia's population, each with distinct customs, makes the position of an Indonesian Notary more complex than that of their counterparts in the Netherlands. For example, the "Sasak" people in Lombok strictly adhere to customary (*Adat*) law, particularly in inheritance. In Sasak custom, inheritance may be distributed before the testator's death, and the portion for males is significantly larger than for females due to a patrilineal system. When such a community seeks a Notary for inheritance distribution, the Notary must provide legal counseling to determine the appropriate legal action that aligns with national laws while preventing future disputes.

When providing counseling, a Notary must be legally proficient and capable of offering specific guidance relevant to the client's situation. This counseling takes the form of legal advice, directives, and clarifications of prevailing regulations. This advice must be based on the Notary's expertise and stay within the boundaries of the law, which serves as a guide for what is permitted and prohibited in drafting a client's deed.

Providing legal counseling is an obligation for every Notary. It is intended to offer clarity regarding the deed being prepared, including the necessary requirements. In short, legal counseling supports the efficiency of the deed-creation process. Often, clients come to a Notary and defer entirely to the Notary's judgment due to a lack of legal understanding. Thus, it is the Notary's duty to ensure clients understand their rights and obligations.

In this role, a Notary must first assess the true intent of the clients, offer legal advice, and identify the legal forms that best suit those intentions. This must be done correctly, as the Notary's explanation influences the client's "conviction" in taking legal action. While the Notary ensures that the chosen legal action does not conflict with regulations, the final choice remains with the client. Under the law, Notaries are mandated to produce accurate deeds that align with legislative intent.

Furthermore, Article 16 Paragraph (1) point (a) of the UUJN requires Notaries to act honestly, independently, and impartially, safeguarding the interests of all parties involved. As a position of trust (*vertrouwensambt*), the Notary must ensure that no party is harmed by the resulting deed.

#### Functions and Benefits of Notarial Legal Counseling

1. **Preventive Function:** Legal counseling acts as a preventive measure to avoid issues that could harm the parties or the Notary. The law should aim to provide maximum benefit; thus, counseling for both individuals (*natuurlijke persoon*) and legal entities (*rechtspersoon*) serves the core purpose of law—creating perfect evidence (*alat bukti sempurna*) according to regulations.
2. **Corrective Function:** It allows for the correction of a draft deed. If any content violates the law, public interest, or morality, or if rights and obligations are incorrectly stated, the Notary can rectify the draft before finalization.
3. **Preservative Function:** It fosters and maintains public legal awareness, encouraging participation in legal development and creating a legal culture within society.

The Notary's role in providing legal counseling is an integral part of professional ethics. Dealing with diverse educational and socioeconomic backgrounds means not all clients understand the legal implications of their actions. Therefore, it must be ingrained in a Notary's conscience that every appearer deserves an explanation of their legal actions so they may realize their rights and obligations as citizens. To this end, Notaries must continuously update their knowledge as the law evolves alongside society.

Professionally, the Notary's contribution to legal counseling supports national legal development. As legal awareness is a pillar of national progress, the Notary's authority aligns with the national goal of increasing public legal consciousness. This was even emphasized in the 1983 Broad Guidelines of State Policy (GBHN), which called for increased legal counseling to achieve high legal awareness for the sake of justice, order, and legal certainty.

Ultimately, legal counseling is vital because a Notary is viewed as a trusted official from whom reliable advice can be obtained. The lay public relies on Notaries to navigate the legal landscape, particularly concerning the deeds they intend to execute.

#### 3.2. Implementation of the Authority to Provide Legal Counseling by Notaries to Clients in Mataram City

Notaries play a pivotal role in enhancing public legal knowledge and awareness to foster a just and prosperous society. The diverse socio-demographic landscape of

<sup>7</sup> Rahmad Hendra, "Tanggung Jawab Notaris Terhadap Akta Otentik Yang Penghadapnya Mempergunakan Identitas Palsu Di Kota Pekanbaru", *Jurnal Hukum*, Ed. 1, Vol. 3

<sup>8</sup> Ibid,

<sup>9</sup> Roenasti Prayitno, "Tugas dan Tanggung Jawab Notaris Sebagai Pejabat Pembuat Akta", *Media Notariat*, No. 12-13/Year IV, (October: 1989), p. 178

Mataram City comprising various ethnicities, cultures, educational backgrounds, and religions presents a unique challenge for Notaries in providing legal counseling related to the deeds they draft. Geographically, Mataram's strategic position as the center of government, education, and economy in West Nusa Tenggara has led to high transaction volumes, such as land and property sales, as well as increased cooperation in forming legal entities like business corporations, cooperatives, and foundations. Consequently, those seeking notarial services in Mataram are not limited to city residents but include individuals from remote areas of Lombok, such as North and South Lombok.

There are currently 63 Notaries practicing in Mataram City, a significantly higher number compared to other regions on Lombok Island.<sup>[10]</sup> However, the high rate of reported violations in Mataram<sup>[11]</sup> suggests that professional duties and obligations toward clients are not always executed optimally. Several factors contribute to this. Due to the relatively small size of Lombok, many people prefer Notaries in Mataram under the assumption that they are more "up-to-date" and professional than those in regencies. Furthermore, the practice of "client referrals" from Land Deed Officials (PPAT) to Notaries often referred to as "partnerships" where a PPAT who is not yet a Notary collaborates with one can sometimes dilute the Notary's direct role, including the effectiveness of providing legal counseling.

In exercising their office, Notaries are required to act honestly, independently, and impartially, safeguarding the interests of all parties as mandated by Article 16, Paragraph (1), point (a) of the UUJN. Furthermore, Article 15, Paragraph (2), point (e) explicitly authorizes Notaries to provide legal counseling regarding the deeds they prepare. This authority aims to ensure that parties understand the applicable laws, thereby fostering voluntary compliance and legal obedience. Legal counseling is an integral and inseparable part of the deed-creation process. The advice provided must be based on the Notary's expertise and remain within the boundaries of the law to ensure legal certainty and provide benefits to the client, the community, and the Notary. Since the UUJN does not explicitly detail the "how" and "when" of legal counseling, its implementation in Mataram varies. Some Notaries provide counseling before, during, or even after the deed is finalized. This is done to ensure that the client's interests do not conflict with regulations, public interest, or ethics. Unlike counseling provided by the government or advocates, notarial counseling is strictly limited to the deed being drafted, and the Notary is not obligated to charge a consultation fee. Counseling is especially crucial when a client's requested agreement contradicts the law; in such cases, the Notary must direct them toward legal compliance. Conversely, some practitioners believe that if the requested agreement is already legally sound, extensive counseling may not be necessary.<sup>[12]</sup>

Notarial legal counseling is distinct because it is deed-specific. The Notary acts as a guide to ensure that the parties' intentions are accurately translated into a deed that adheres to legal principles and public order. Most Notaries in Mataram

prioritize counseling before the deed is drafted, assuming that every client is a layperson regarding the law. This serves as a preventive measure to avoid errors or future disputes. As stated by Notary Dedi Sukardi, counseling is mandatory regardless of the circumstances; even if a client claims to understand the law, the Notary must verify this understanding to protect their rights.<sup>[13]</sup>

The procedural steps taken by Notary Dedi Sukardi include: "When a client arrives, they typically convey their objectives, which triggers a Q&A process. This is the moment legal counseling occurs. It covers the requirements for the deed such as for establishing a CV, PT, or Foundation as well as the rights and obligations of each party."

This demonstrates that legal counseling should initiate the deed-creation sequence. It is a safeguard against bad-faith actors and ensures clients are aware of the legal consequences of providing false information or documents.

Interestingly, some Notaries in Mataram interpret "legal counseling" differently. They believe it should be an organized, periodic activity conducted through professional organizations to reach a wider audience outside the office.<sup>[14]</sup> Some even distinguish between "legal consultation" (conducted in the office) and "legal counseling" (conducted in public settings).<sup>15</sup>

While such interpretations are permissible due to the lack of technical guidelines in the UUJN or internal organizational rules, a grammatical interpretation of Article 15, Paragraph (2), point (e) clearly links counseling to the "deed to be made." Therefore, interpreting it solely as a collective organizational activity contradicts the literal wording of the article. While public outreach is beneficial, it may strip the Notary of their unique identity as an individual counselor specifically tied to the instruments they draft. Furthermore, the terms "counseling" and "consultation" share a semantic root involving advice and investigation.<sup>[16]</sup> Thus, the counseling or consultation provided in a Notary's office is a valid fulfillment of the authority granted by the UUJN.

Several Notaries in Mataram City agree that legal counseling is essential to support the smooth process of deed creation. The stages of providing this counseling typically begin when a client visits the office; the Notary provides explanations regarding the deed to be drafted, ranging from the necessary administrative requirements to addressing other related or unrelated inquiries from the parties. Consequently, a Notary provides legal counseling before, during, or after the deed-drafting process. In essence, legal counseling is provided to the client for as long as it is required.

The advancement of information technology has facilitated legal counseling, particularly during the COVID-19 pandemic. The utilization of electronic and social media such as telephone, SMS, or WhatsApp has become a vital tool for Notaries in Mataram to counsel clients who are unable to attend the office in person. This facility undoubtedly assists Notaries in fulfilling their duties. Notary Mardiana explained:<sup>[17]</sup>

"The provision of legal counseling via electronic media follows the same process as face-to-face interaction, involving a Q&A session regarding the client's interests in the

<sup>10</sup> Interview with Abdullah, member of MPW NTB.

<sup>11</sup> Hamzan Wahyudi, MPD Mataram City, November 10, 2025

<sup>12</sup> Interview with Notary Umar Mansyur, November 12, 2025

<sup>13</sup> Interview with Notary Dedi Sukardi, November 12, 2025

<sup>14</sup> Interviews with Notaries Alfian Hadi, Mohamad Ali, Adam Baswedan, and Ida Made Widyantana

<sup>15</sup> Interviews with Notaries Fikri Said and Lawfian Alex Ariwijaya

<sup>16</sup> Kamus Besar Bahasa Indonesia (KBBI), keywords: "konsultasi" and "penyuluhan."

<sup>17</sup> Interview with Notary Mardiana, Mataram, November 12, 2025

deed. The only difference is the lack of physical contact. Once the parties understand the requirements, they will visit the Notary with the previously discussed documents."

The use of electronic and social media does not diminish the essence of notarial legal counseling. The core of this practice is the transfer of information regarding the client's deed. This transfer of information cannot be restricted, as technological developments are inextricably linked to modern human needs. Electronic counseling serves as a necessary alternative when clients are unable to visit the Notary's office.

Furthermore, legal counseling is not limited to the beginning of the process but may also occur after the deed is finalized. The impact of the COVID-19 pandemic led many clients to seek amendments to deed clauses, particularly in lease agreements, due to economic hardships. Many lessees, unable to pay rent in full, sought solutions from Notaries. In such instances, the Notary's role is to provide legal counseling to achieve a win-win solution and prevent litigation.<sup>[18]</sup>

Fundamentally, a Notary formulates the clients' wishes into the form of a deed. Once the Notary has provided legal explanations, the clients are free to make their own decisions. The Notary's duty is solely to ensure that these wishes do not conflict with prevailing laws and regulations. The advice offered during counseling may be accepted as input for the deed or rejected by the client. If an error arises based on the client's specific instructions, the Notary cannot be held liable, as the contents of the deed reflect the client's will. The Notary merely formalizes this into an authentic deed, and the legal consequences rest with the clients. Conversely, if a Notary provides legal counseling and drafts a deed that results in loss or legal issues due to the Notary's own error, they may be held accountable.

Notarial liability encompasses three aspects: ethical liability, professional liability, and legal liability. Ethical liability pertains to moral norms that guide a Notary's conduct. Professional liability requires the Notary to possess specialized technical expertise in drafting authentic deeds, unquestionable scientific quality, and the ability to work independently. Legal liability refers to the consequences if a deed causes legal problems, encompassing both civil and criminal liability.

The absence of a standardized procedure for legal counseling creates obstacles for the Notary Oversight Board (Majelis Pengawas Notaris) in monitoring whether a Notary has fulfilled this obligation. The UUJN does not explicitly provide sanctions for violations of Article 15, Paragraph (2), point (e). However, a Notary who fails to provide counseling, resulting in losses to third parties, may be subject to Article 84 of the UUJN. This article stipulates that if a Notary violates specific procedural articles (such as Article 16 or Articles 41-51), causing a deed to lose its authentic status or become null and void, the injured party may sue for damages, compensation, and interest. Furthermore, a Notary can be sued for negligence under Article 1365 of the Indonesian Civil Code (KUHPerdata).

In practice, there have been no recorded violations regarding Article 15, Paragraph (2), point (e) in Mataram City. Abdullah, a member of the West Nusa Tenggara Regional Oversight Board (MPW), stated:<sup>[19]</sup>

"To date, there have been no public reports regarding issues

arising from a lack of legal counseling. Reports more commonly involve the failure to read the deed's contents before signing, which results in losses for the parties."

The role of the Notary Oversight Board is crucial in ensuring that Notaries exercise their authority within the bounds of law, morality, and ethics. Public participation is equally important in monitoring Notaries. However, the unclear legal standing of the counseling process and the "pseudo-impact" felt by the public where they may not realize whether counseling has been properly performed contribute to the lack of reports and oversight in Mataram City. This remains a significant hurdle for the Oversight Board.

Morality is a paramount factor in the provision of legal counseling by a Notary. It ensures that the Notary does not abuse their authority, thereby protecting both the clients and the Notary themselves. Fundamentally, legal counseling is a moral calling and an obligation derived from the professional knowledge held by a legal practitioner. The provision of such counseling has long been a tradition within the legal profession. Consequently, a legal professional is inherently bound by the obligation to conduct legal counseling. For a Notary, this practice is driven by moral imperatives in addition to the mandates of the Law.

Conversely, many Notaries in Mataram City fail to provide legal counseling while performing their duties, particularly those who maintain partnerships with banks. This is most prevalent in the creation of fiduciary deeds, which are *accessoir* (accessory) agreements to credit contracts. These are often drafted in high volumes, leaving the Notary with insufficient time to provide counseling to the parties. Therefore, a Notary should ideally avoid exclusive partnerships with banks, as such relationships are feared to undermine the Notary's independence. In practice, Notaries who collaborate closely with banking institutions are often found to commit violations, one of which is the omission of legal counseling.

The success of legal counseling is measured by the fulfillment of the intent behind Article 15, Paragraph (2), point (e), which mandates Notaries to provide legal counseling regarding the deeds to be drafted. Conversely, failure is marked by the non-achievement of this objective. Notaries in Mataram City understand and implement legal counseling in various ways based on their individual understanding and capabilities. The author has identified that the obstacles to the implementation of legal counseling by Notaries in Mataram City are influenced by the following factors:

1. The Notary's Workload Factor

The high volume of work often leaves Notaries with insufficient time to provide comprehensive explanations regarding the deeds to be drafted. Under these conditions, the Notary merely performs confirmations regarding administrative requirements or clarifies the client's interests that need to be formalized in the deed.

2. Human Resource Factor

The quality of the Notary's own human resources directly affects the quality of the legal counseling provided. The Notary's depth of insight and knowledge significantly determines the completeness of the material conveyed. In this regard, Notaries are required to continuously learn and stay updated on current issues

<sup>18</sup> Ibid,

<sup>19</sup> Interview with Abdullah, Member of MPW NTB, Mataram, November 10, 2025

related to their office to easily identify the legal actions intended by their clients.

### 3. The Client Factor

Often, the clients themselves are unwilling to listen to lengthy explanations from the Notary. They typically prefer to be informed only of the requirements for the deed and entrust the rest of the process to the Notary's discretion.

In addition to the aforementioned factors, which indicate that the authority to provide legal counseling by Notaries in Mataram City is not yet fully effective, the factor of the legal norm itself must be considered. Specifically, the diverse interpretations of Article 15, Paragraph (2), point (e) by Notaries in Mataram contribute to this inconsistency. As long as the interpretation of this provision remains open, Notaries in Mataram City will continue to innovate and improvise in their methods of legal counseling.

### 4. Conclusion

Based on the research and discussion regarding the implementation of notarial authority in providing legal counseling in Mataram City, the following conclusions can be drawn:

1. **Urgency and Relevance of Legal Counseling**  
Legal counseling by a Notary is a crucial preventive measure and a moral obligation inherent in the legal profession. Its urgency lies in ensuring that the parties fully understand the legal consequences, rights, and obligations arising from the authentic deeds they execute. Furthermore, it serves to maintain legal certainty, uphold the officium nobile (noble profession) of the Notary, and prevent future disputes that could involve the parties or the Notary. In a diverse society like Mataram, this role is essential to harmonize customary practices (such as Sasak inheritance traditions) with national legal standards.
2. **Implementation in Mataram City**  
The implementation of legal counseling by Notaries in Mataram City varies in practice due to the lack of standardized procedures in the Notary Office Act (UUJN). While most Notaries provide counseling directly (face-to-face) or indirectly (via electronic media/WhatsApp), its effectiveness is often hindered by three main factors:
  - **The Notary's Workload:** High transaction volumes, especially in "partnerships" with banks for fiduciary deeds, often lead to the omission of comprehensive counseling.
  - **Human Resource Quality:** The depth of legal counseling depends heavily on the individual Notary's knowledge and continuous professional development.
  - **Client Behavior:** Many clients are often unwilling to engage in lengthy explanations, preferring to focus solely on administrative requirements.
3. **Supervision and Accountability**  
Although Notaries can be held ethically, professionally, and legally liable for errors arising from their counseling (or lack thereof), there are currently no specific sanctions for failing to provide counseling under Article 15 Paragraph (2) point (e) of the UUJN. This regulatory gap, combined with a lack of public reporting, creates challenges for the Notary Oversight Board (Majelis

Pengawas Notaris) in monitoring and enforcing this specific authority effectively.

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