CHARACTERISTICS OF NOTARY IN INDONESIA
AND THE LIMITS OF LIABILITY

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ABSTRACT

Authentic deeds as the strongest and fullest evidence play crucial role in any legal relations in society. Authentic deeds shall clearly specify the rights and obligations of a person as such it will ensure legal certainty and at the same time is also expected to avoid any dispute. In case of inevitable disputes, authentic deeds as the strongest and fullest written evidence contribute significantly to cheap and quick settlement. Notary as a public official is authorized to make such an authentic deed at the request of the parties desiring their legal acts to be written into authentic deeds. However, notaries’ statutory breaches or mistakes in performing their duties and authorities can result in losses to parties or any other party.

Notary’ mistakes in performing their duties and authority can result in the deeds made by or before him being null and void, annulled or simply having evidentiary power as deeds signed under hand, leading the notary to being liable to bear the damages for it. Parties harmed by those breaches or mistakes may file lawsuit for damages, costs and interests to the notary in question by the court. Therefore, in addition to the main task of stating parties’ desires in authentic deeds, notary has an obligation to ensure validity of the authentic deeds.

A basis for legal relation occurs when parties come to the notary for formulating or stating their desires in authentic deeds in accordance with the notary’s authority and the notary made the deeds. Therefore, in addition to the main task of stating parties’ desires in authentic deeds, notary has an obligation to ensure validity of the authentic deeds. Notary must ensure that the deeds made are in accordance with statutory provisions, so that the interests of the parties concerned can be protected by the deeds.

Keywords: Notary, public official, liability.