



DOI: <https://doi.org/10.38035/jgsp.v3i2>
<https://creativecommons.org/licenses/by/4.0/>

Inclusion of Fingerprints in Notarial Deed Minutes as a Guarantee of Legal Protection for the Parties

Erry Ariany¹, Faisal Santiago²

¹Universitas Borobudur, Indonesia, erry_drb287@yahoo.com

²Universitas Borobudur, Indonesia, faisalsantiago@borobudur.ac.id

Corresponding Author: erry_drb287@yahoo.com¹

Abstract: The position of Notary is a profession that requires special skills and high responsibility in serving the legal needs of the community. However, in practice, there are often deviations by the parties appearing before the Notary, such as the party that should be listed in the deed is not the person who is present in person or denying the existence of a transaction made before the Notary. To protect the validity of the deed and the position of the Notary, one of the provisions regulated in Article 16 paragraph (1) letter c of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary is the obligation to include the fingerprints of the parties on the minutes or attachments to the deed. This study aims to examine and analyze the importance of these provisions in guaranteeing the authenticity of the identity of the parties, preventing legal defects in the deed, and ensuring its legal accountability. By using a normative legal approach based on statutory regulations, this study concludes that the regulation regarding fingerprints in the minutes of notarial deeds still gives rise to various interpretations, so strict supervision is needed from the Notary Supervisory Board to impose sanctions if there is negligence by the Notary in its implementation.

Keyword: Fingerprint, Notary, Legal Protection

Abstrak: Jabatan Notaris merupakan suatu profesi yang memerlukan keahlian khusus dan tanggung jawab yang tinggi dalam melayani kebutuhan hukum masyarakat. Namun dalam prakteknya, sering terjadi penyimpangan oleh para pihak yang menghadap Notaris, seperti pihak yang seharusnya dicantumkan dalam akta bukanlah orang yang hadir secara langsung atau mengingkari adanya transaksi yang dilakukan di hadapan Notaris. Untuk melindungi keabsahan akta dan kedudukan Notaris, salah satu ketentuan yang diatur dalam Pasal 16 ayat (1) huruf c Undang-Undang Nomor 2 Tahun 2014 tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris adalah adanya kewajiban mencantumkan sidik jari para pihak dalam berita acara atau lampiran akta. Penelitian ini bertujuan untuk mengkaji dan menganalisis pentingnya ketentuan tersebut dalam menjamin keaslian identitas para pihak, mencegah terjadinya cacat hukum pada akta, dan menjamin pertanggungjawaban hukumnya. Dengan menggunakan pendekatan hukum normatif yang didasarkan pada peraturan perundang-undangan, penelitian ini menyimpulkan bahwa pengaturan mengenai

sidik jari pada minuta akta notaris masih menimbulkan berbagai macam penafsiran, sehingga diperlukan pengawasan yang ketat dari Majelis Pengawas Notaris untuk memberikan sanksi apabila terjadi kelalaian Notaris dalam pelaksanaannya.

Kata Kunci: Sidik Jari, Notaris, Perlindungan Hukum.

INTRODUCTION

Notaries are one of the public officials who have an important role in the legal system in Indonesia. Based on Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notaries, Notaries are given the authority to make authentic deeds, namely deeds made by or before authorized public officials and by the provisions of laws and regulations (Afriana, 2020). The role of Notaries is not limited to making deeds but includes the implementation of preventive legal services, namely preventing disputes from arising in the future by ensuring clarity and legal certainty for legal acts carried out by the parties. (Inzaghi, 2024) Therefore, the presence of Notaries is vital in the legal life of society, especially in civil matters such as buying and selling, gifts, wills, establishing business entities, and other agreements.

Notarial deeds have higher evidentiary power than ordinary documents or private deeds. In the law of evidence, notarial deeds are included in the category of authentic deeds that have formal and material evidentiary value. This means that the deed not only proves the content or substance of what is stated therein but also proves that the statement or legal action was conducted before the Notary by the parties appearing before him. (Nofrianti, 2024) An authentic deed can only be canceled through a court decision if there is evidence that the deed is legally flawed, such as due to forgery or unclear identities of the parties. Thus, deeds made by a Notary have a strategic position in providing legal protection and certainty for agreements or legal actions of the parties (Ma'ruf, 2015).

The great legal force of a notarial deed also demands that Notaries carry out their duties and authorities with full responsibility, caution, and high integrity. In carrying out their profession, Notaries are not only guided by formal legal norms but also by professional codes of ethics and moral principles. Notaries must ensure that the parties appearing are indeed the persons referred to in the contents of the deed and that they understand and agree to the contents (Prianto, 2024). This responsibility shows that Notaries play a role as guardians of the legal trust of the community. Carelessness or negligence of Notaries, for example in validating the identity of the person appearing, can have serious legal consequences for the parties, and even reduce public trust in the notary institution as a whole (Abdillah, 2023).

Therefore, trust in Notaries must always be maintained and preserved, both by the Notary himself and by the legal system that regulates and supervises him. Public trust in Notaries is the primary foundation for legitimizing the deeds made as valid and strong legal evidence. If this trust is shaken due to deviant practices, it will not only harm the individuals who are victims but will also create widespread legal uncertainty (Diana, 2016).

In notarial practice, Notaries often face various problems related to the discrepancy between legal formalities and facts on the ground. One form of irregularity that often occurs is the presence of a party who is not the actual party in the legal act being carried out. An example is when someone who claims to be the attorney of a certain party turns out to be using a fake power of attorney or has revoked the power of attorney without the knowledge of the Notary. There are also cases where someone is present to sign a deed, but their identity does not match the actual data—either because they are using a fake ID card, forging a signature, or even acting on behalf of someone else illegally. This kind of practice is

dangerous for the validity and legality of the notarial deed made and can cause legal disputes that are detrimental to various parties, including the Notary himself. (Hudaya, 2022)

In addition, problems arise when one of the parties who has appeared and signed the deed before a Notary then denies their involvement in the agreement or transaction. The denial can occur later when a dispute arises, either because of bad faith or because they feel disadvantaged. In this condition, the Notary is in a dilemma because the deed that should be authentic and final evidence, of its validity is questioned. It forms an additional burden of proof that should not have happened if the identity of the parties and their agreement had been thoroughly verified. This act of denying involvement is often exploited by irresponsible parties to avoid legal obligations, which ultimately reduces the credibility of the notarial deed as strong evidence (Haris, 2018).

These problems indicate a legal vulnerability that stems from the weak validation of the identities of the parties appearing before a Notary. Although Notaries have been equipped with the authority and guidelines to verify the identity of the parties, in reality, the process is not always carried out optimally, either due to negligence or external pressure. In an increasingly complex legal system, the accuracy and validity of the identity of the person appearing is the main key to guaranteeing the legal force of a deed. When identity verification is carried out carelessly or is not accompanied by strong evidence such as the inclusion of fingerprints, this opens up the possibility of disputes and reduces the legal protection that should be given to the parties. (Kurniawan, 2018)

As a public official who carries out preventive legal service functions, a Notary is obliged to guarantee the validity and authenticity of every deed made. To prevent irregularities, such as falsification of identity or denial of the contents of the deed by the parties appearing, the government has established several mandatory provisions through regulations. One of these important regulations is the obligation to include the fingerprints of the parties in the minutes of the notarial deed or the attachment to the deed, as regulated in Article 16 paragraph (1) letter c of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary. The article explicitly states that in carrying out his/her duties, a Notary is required to “affix the fingerprints of the parties to the minutes of the deed”. This obligation is not optional, but rather a form of professional responsibility that must be fulfilled to provide legal protection and guarantee the validity of the documents made. (Manibuy, 2023)

The inclusion of fingerprints is an authentication step that functions to confirm that the party appearing is truly the person referred to in the deed. With physical evidence in the form of fingerprints, the possibility of someone denying their involvement in the agreement becomes very small, because this biological identity is one of the most accurate and difficult to falsify pieces of evidence. Besides, in a dispute or case situation in the future, the inclusion of these fingerprints can be strong evidence in the evidence process in court. This provision also strengthens the evidentiary value of an authentic deed as referred to in Article 1868 of the Civil Code (KUHPperdata), which states that an authentic deed is a deed made in the form determined by law by or before an authorized public official (Nurjanah, 2023).

Not only that, this obligation is also closely related to the prudential principle inherent in the position of a Notary. As explained in Article 4 letter b of the Notary Code of Ethics, Notaries are required to act honestly, independently, impartially, and responsibly based on the provisions of laws and regulations. Thus, including fingerprints is not only an administrative matter, but also reflects the integrity and accountability of Notaries in ensuring that the deeds made are not legally flawed. This practice is very important in maintaining the credibility of notarial institutions, especially amidst the increasing complexity of legal transactions involving individuals and legal entities from diverse backgrounds and interests (Prabawa, 2020).

To support the implementation of this obligation, the role of supervision is also emphasized in the Regulation of the Minister of Law and Human Rights Number 7 of 2016 concerning Procedures for Appointment, Transfer, Dismissal, and Extension of the Term of Office of Notaries, as well as in the Regulation of the Minister of Law and Human Rights Number 27 of 2016 concerning Supervision and Examination of Notaries. These two regulations give authority to the Notary Supervisory Board (MPN) to conduct examinations of Notaries suspected of violating professional obligations, including not including fingerprints in the minutes of the deed. With this supervision system, it is hoped that Notaries will not only formally comply with the regulations, but also make the obligation to include fingerprints part of the ethical and professional standards in daily practice. It is a strategic step to strengthen legal protection for the parties while maintaining the integrity of the notary institution in the eyes of the public (Pratiwi, 2023).

Although the obligation to include fingerprints in the minutes of the notarial deed has been expressly regulated in Article 16 paragraph (1) letter c of Law Number 2 of 2014, there are still Notaries who do not comply with these provisions. This non-compliance can be caused by various factors, ranging from administrative negligence, and ignorance, to underestimating the importance of including fingerprints in authenticating the identity of the person appearing. In some cases, Notaries only rely on photocopies of identity such as KTP without further verification through fingerprints. The inclusion of fingerprints is not just a formality, but a form of legal responsibility inherent in the position of a Notary. When this obligation is ignored, the resulting deed becomes vulnerable to lawsuits, both in terms of validity and evidentiary power (Sari, 2018).

Apart from that, one of the causes of weak implementation is the less-than-optimal supervision carried out by the Regional, Regional, and Central Supervisory Boards regarding the implementation of Notary duties. Supervision of notarial practices has not been carried out effectively and in a structured manner, so violations of this provision often go undetected or are not immediately followed up. It is not uncommon for there to be differences in interpretation among Notaries themselves regarding the limitations and technicalities of implementing the inclusion of fingerprints, especially in certain situations such as digital-based deeds or in conditions where the parties are in different locations (teleconference). This ambiguity in interpretation creates a gray area that may be misused and weakens the legal objectives of the provisions, namely to guarantee legal certainty and protection for the parties (Sudjarot, 2022).

The absence of fingerprints in the minutes of the deed or the attachment to the deed can have a serious impact on the evidentiary power of the notarial deed made. In the civil law system, an authentic deed that does not meet the formal elements as stipulated by law can lose its authentic status and is only considered a deed under hand. This means that the burden of proof is again placed on the party submitting the deed, which can weaken the legal position that should be guaranteed by the notarial deed. Moreover, in civil cases in court, the inclusion of fingerprints can be strong supporting evidence that a person has indeed appeared and agreed to the contents of the deed. Therefore, ignoring this obligation not only harms the parties concerned in the deed but can also harm public trust in the notary institution as a whole (Wijaya, 2018).

The topic of including fingerprints in notarial deed minutes is necessary to study considering the crucial role of Notaries in providing legal protection and legal certainty for parties who carry out legal acts. The obligation to include fingerprints as one of the formal requirements for an authentic deed is regulated in the law, but in practice there are still many issues that lead to legal uncertainty and potential disputes. The study is relevant to identify the extent to which the implementation of these provisions is effective, as well as to understand the obstacles that cause the implementation of these obligations to be less than

optimal. Thus, this study is expected to provide constructive recommendations to improve the implementation and supervision mechanisms so that the legal objectives of legal protection and certainty can be achieved optimally.

In addition, the real gap between the regulations that have been set and practices in the field shows the need for an in-depth study that touches on the legal, administrative, and ethical aspects of the Notary position. Non-compliance and weak supervision of the obligation to include fingerprints not only threaten the legal protection of the parties but can also damage the credibility of the notary institution as a whole. As a profession that carries out public mandate, the integrity and professionalism of Notaries are highly dependent on their ability to implement regulations properly and consistently. Therefore, this study is important to provide a comprehensive picture of how strengthening regulations and supervision can contribute to maintaining public trust while improving the quality of Notary services in Indonesia.

METHOD

This study uses a normative legal research method that aims to analyze legal aspects based on applicable statutory provisions and legal concepts. The approaches used include a statutory approach that examines laws and regulations governing the obligation to include fingerprints in notarial deeds, as well as a conceptual approach that examines relevant legal concepts and theories in explaining and understanding the provisions and legal implications of including fingerprints. With a combination of these two approaches, the study seeks to provide a comprehensive picture that is not only based on written norms but also on the logic and legal principles that underlie them.

The data sources in this study consist of primary and secondary data. Primary data is obtained directly from related laws and regulations, such as Law Number 2 of 2014, the Civil Code, and other implementing regulations related to the position of Notary and the obligation to include fingerprints. Secondary data is obtained from legal literature, journals, books, articles, and relevant documents that discuss notarial theory and practice. Data collection techniques are carried out through library research, by collecting, reviewing, and studying various written legal materials that are already available. Data analysis uses qualitative analysis techniques with analytical descriptive methods, like describing and analyzing legal data obtained systematically to provide in-depth understanding and draw accurate legal conclusions based on applicable rules and norms.

RESULT AND DISCUSSION

Regulations Concerning the Obligation to Include Fingerprints in Notarial Deed Minutes According to Applicable Legislation

The obligation to include fingerprints in the minutes of a notarial deed is expressly regulated in Article 16 paragraph (1) letter c of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary. The article states that in carrying out his/her position, a Notary is required to "affix the fingerprints of the parties appearing on the minutes of the deed". This provision is an important update that strengthens the function of a Notary as a public official who must guarantee the authenticity of the identity of the parties appearing so that the deed made has valid legal force and can be formally and materially accounted for. With this obligation, the process of making a deed does not only rely on the verification of identity documents alone but also uses biological evidence that is difficult to forge, namely fingerprints, as an additional authentication tool (Winoto, 2023).

In addition to Law No. 2 of 2014, the provisions regarding the inclusion of fingerprints are also strengthened by implementing regulations, including Regulation of the Minister of

Law and Human Rights Number 27 of 2016 concerning the Supervision and Examination of Notaries, which authorizes the Notary Supervisory Board to ensure the implementation of professional obligations including the inclusion of fingerprints. This regulation aims to improve the accountability and integrity of Notaries while maintaining public trust in notarial services. In this context, the inclusion of fingerprints is part of the standard operating procedure that must be adhered to by every Notary in carrying out their duties, to prevent deviations and fraud that can harm the parties in legal transactions (Wiranata, 2021).

Furthermore, the regulation regarding authentic deeds containing the parties' fingerprints are related to the principle of proof in civil law, especially as stated in Article 1868 of the Civil Code (KUHPperdata). This article states that an authentic deed is a deed made by an authorized public official in a form determined by law, which has perfect evidentiary force against the contents of the deed. Thus, the inclusion of fingerprints as one of the formal elements in a notarial deed strengthens the status of the deed as an authentic deed that has higher legal force than a deed under hand. This also confirms that failure to fulfill the provisions for including fingerprints can raise doubts about the authenticity of the deed and affect its evidentiary force in court (Abdillah, 2022).

In addition to the positive legal aspect, the professional ethics also strengthens the obligation to include fingerprints. In the Notary Code of Ethics, especially as regulated by the National Notary Council, Notaries are required to act honestly, independently, and responsibly in carrying out their duties. The inclusion of fingerprints is not only a matter of administrative technicalities, but also part of the integrity of the profession that guarantees that the deed made truly reflects the will of the parties who are present legally and without coercion. Thus, this obligation is part of an effort to maintain the reputation and credibility of the Notary profession in providing legal services that can be legally and morally accounted for (Annisa, 2024).

Fingerprints are unique line patterns found on the tips of human fingers that are individual and cannot be faked. In the context of a notary, fingerprints function as a biometric authentication tool which is one of the most effective ways to ensure the identity of the parties appearing before a Notary. The inclusion of fingerprints in the minutes of a notarial deed is not merely an administrative formality, but rather is legally binding physical evidence and shows that the parties are present and agree to the contents of the deed made. It is important because in many legal cases, problems often arise due to identity irregularities or denial of the authenticity of the deed by one of the parties. Thus, fingerprints become an authentication instrument that can significantly reduce this risk. (Baiti, 2023)

The main function of including fingerprints is to strengthen the validity and legality of notarial deeds. Fingerprints provide a guarantee that the deed was made based on the direct agreement and physical presence of the parties listed therein. In this case, fingerprints act as an identity verification tool that cannot be replaced by other identity documents such as KTP or passports, which are more easily forged or misused. With fingerprints, the potential for fraud or identity forgery can be minimized, thus providing stronger legal protection for all parties involved. In addition, fingerprints also function as additional evidence that can be used as a basis for resolving legal disputes if there is a dispute regarding the validity of the transaction or the contents of the deed. In addition to being a means of identity authentication, the inclusion of fingerprints in notarial deeds also has a strategic function in maintaining the integrity and credibility of the Notary profession. As a public official who is trusted to make deeds with perfect evidentiary power, a Notary must ensure that every deed made truly reflects the wishes of the parties present honestly and legally. (Budianto, 2024) Fingerprints are one form of professional responsibility inherent in the position of a Notary because by including fingerprints, a Notary can show that the deed-making process has been carried out by applicable legal procedures and can be accounted for ethically and legally.

Thus, the inclusion of fingerprints not only protects the parties to the transaction but also strengthens the position of the Notary as a guardian of public trust in the legal documents they produce. (Febrianty, 2023)

The implementation of the inclusion of fingerprints in the minutes of a notarial deed is regulated in detail in applicable laws and technical guidelines to ensure that the procedure runs in an orderly manner and by legal standards. Based on Article 16 paragraph (1) letter c of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of a Notary, a Notary is required to affix the fingerprints of the parties to the minutes of the deed as one of the formal requirements for the validity of the deed. This fingerprinting procedure must be carried out directly in front of a Notary when making the deed so that the fingerprints listed come from the relevant party and their authenticity can be verified. It is a security mechanism so that no forgery or replacement of identity is detrimental to other parties in the future (Hermin, 2024).

Technically, fingerprinting is done by applying special ink to the fingertips of the parties, then the finger is pressed fully on the page of the deed minutes or attachments that have been prepared. The ink used is usually ink that dries easily and does not fade easily so that the fingerprints can be authentic evidence that is durable. The Notary is required to ensure that the fingerprints are printed clearly and completely so that the fingerprint pattern can be recognized and can be used as evidence in the future if needed. In addition, the Notary must also record the complete identity of each party who affixed the fingerprints and store the deed minutes and the fingerprints safely as part of the official documents for which he is responsible. (January, 2024)

To regulate the technical implementation, the Ministry of Law and Human Rights and the Notary Council have issued guidelines and implementing regulations that regulate the procedures for including fingerprints in detail. In addition, the Notary Supervisory Board also has an important role in supervising Notaries' compliance with this obligation, through a periodic supervision mechanism and examination of the deeds made. These guidelines not only cover technical aspects but also administrative procedures that must be adhered to, such as recording and reporting fingerprints that are affixed, as well as handling mechanisms if there are technical obstacles in including fingerprints. With clear technical regulations and procedures, the implementation of the obligation to include fingerprints is expected to run consistently and effectively as part of efforts to maintain the integrity of notarial deeds and provide legal protection to the parties concerned.

Notarial deeds have a very important legal position in the Indonesian civil law system, especially because the deed is included in the category of authentic deeds as regulated in Article 1868 of the Civil Code (KUHPdata). An authentic deed has perfect evidentiary power against the contents and events stated so that the deed is considered valid and strong evidence in court. The inclusion of fingerprints in the minutes of a notary deed is one of the formal requirements that strengthens the status of the deed as an authentic deed. With fingerprints, the authenticity of the identities of the parties can be directly confirmed, so that the deed has a higher evidentiary value and reduces the risk of legal disputes due to forgery or misuse of identity (Moechtar, 2024).

On the other hand, notarial deeds that do not meet the requirements for including fingerprints have the potential to experience a decrease in evidentiary power. Although the deed can still be considered an authentic deed if it meets other formal requirements, the absence of fingerprints as a biometric authentication tool can raise doubts about the presence and direct approval of the parties concerned. This allows the injured party to deny the deed because the deed-making process did not meet complete legal procedures. In practice, the court can consider this aspect in assessing the strength of the evidence, so that deeds without fingerprints risk not providing maximum legal protection for the parties. (Salsa, 2020) In

addition, the provisions for including fingerprints also function as a prevention mechanism against fraudulent practices and document manipulation. With fingerprint evidence, the notarial deed can be ensured not only to be signed but also physically approved by the parties to the transaction. Therefore, a deed that meets the requirements for including fingerprints will provide stronger legal protection for both the parties and the Notary himself as the responsible official. On the other hand, negligence in affixing fingerprints can be the basis for supervision and sanctions for Notaries, as well as opening up loopholes for legal disputes that are detrimental to the parties concerned.

The Notary Code of Ethics plays an important role in regulating the behavior and professional responsibilities of Notaries in carrying out their duties. One aspect regulated in this code of ethics is the obligation of Notaries to ensure that the deeds made meet all legal requirements, including the inclusion of fingerprints of the parties as stipulated in laws and regulations. The code of ethics emphasizes that Notaries must act with integrity, professionalism, and caution to maintain public trust in the Notary's position and the deeds they produce. Thus, the inclusion of fingerprints is not only an administrative obligation but also part of the Notary's moral and ethical responsibility in carrying out their profession.

The application of this code of ethics is also an internal supervision instrument that encourages Notaries to carry out the obligation to include fingerprints consistently and with full awareness of the law. Notaries who ignore or are negligent in implementing this provision may be subject to disciplinary sanctions by the Notary Honorary Council or the Notary Supervisory Board. The sanctions can be in the form of reprimands, warnings, to temporary or permanent dismissal from the position of Notary, depending on the level of violation committed. Thus, the code of ethics functions as a moral control tool that strengthens compliance with technical regulations and maintains the standards of professionalism and credibility of the Notary's position.

Furthermore, the code of ethics also requires Notaries to provide transparent and clear explanations to the parties regarding the importance of including fingerprints in notarial deeds. This is important so that the parties understand that fingerprints are not just a formal procedure, but are part of a legal protection mechanism that guarantees the authenticity of transactions and prevents disputes in the future. The code of ethics encourages Notaries to play a role as neutral and trusted mediators so that the inclusion of fingerprints becomes one real form of the Notary's professional commitment to maintaining legal certainty and security.

Thus, the implementation of the code of ethics that regulates the inclusion of fingerprints makes a significant contribution to the creation of good notarial governance. This not only protects the interests of the parties involved in legal transactions but also strengthens the position of Notaries as public officials who have great responsibility in maintaining the validity of legal documents. A strict and consistently enforced code of ethics will encourage a culture of legal compliance and increase public trust in notary institutions as a whole.

Obstacles Faced in Implementing the Obligation to Include Fingerprints on Notarial Deeds in the Field

The implementation of the obligation to include fingerprints on notarial deeds is one of the strategic efforts in strengthening the validity and legal protection for the parties involved in making the deed. Although this provision has been regulated in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, the realization of its implementation in the field still faces various significant obstacles. These obstacles do not only come from technical and administrative aspects, but also include factors of awareness and compliance of Notaries and the parties appearing. This causes differences in the application and effectiveness of these provisions in providing optimal legal guarantees.

One of the main obstacles in implementing the obligation to include fingerprints on notarial deeds is the non-compliance that is still carried out by some Notaries. This non-compliance can be caused by various factors, such as a lack of understanding of applicable legal provisions, negligence in carrying out procedures, or technical reasons that are considered troublesome. Some Notaries may not fully understand the urgency of including fingerprints as a crucial identity authentication tool to maintain the validity of the deed. In addition, the high workload and lack of training related to the implementation of this obligation also affect the level of compliance. The impact of this non-compliance is very significant, because deeds that do not include fingerprints have the potential to experience a reduction in evidentiary power, thus threatening legal protection for the parties and the credibility of the Notary profession as a whole.

The next obstacle that is often faced in the implementation of fingerprint inclusion is the limited facilities and infrastructure. Not all Notary offices have adequate fingerprint ink and printing equipment, especially in remote areas or with limited facilities. The ink used must meet the standards so that the printed fingerprints are clear and do not fade easily, but some Notaries still have difficulty obtaining quality ink consistently. In addition, technical obstacles in the printing process, such as ink that dries quickly or inadequate tools, can hinder the smooth running of the fingerprint inclusion procedure. This condition causes a procedure that should be simple to become complicated and risky not being carried out optimally.

In addition to technical factors and facilities, differences in interpretation of regulations are an obstacle that hamper the implementation of the obligation to include fingerprints. In practice, there are variations in the implementation of this obligation between Notary offices, where some Notaries apply it strictly according to the provisions, while others may be looser or ignore it. This difference arises because of different legal interpretations regarding the obligation and procedures for fingerprinting, as well as the lack of detailed and uniform technical guidelines. These variations in interpretation cause inconsistencies in the application of the rules which can ultimately lead to legal uncertainty and undermine the legal protection objectives that the regulation seeks to achieve.

The lack of effective supervision from supervisory institutions such as the Notary Council or the Notary Supervisory Board is also an important constraining factor. The function of this supervision is to ensure that Notaries carry out the obligation to include fingerprints correctly and consistently. However, in practice, supervision has not been optimal due to limited resources, inadequate frequency of examinations, and other administrative constraints. In addition, the enforcement of sanctions against Notaries who are proven to have violated the provisions is often not firm or slow, so that it does not provide a sufficient deterrent effect. This condition allows for repeated violations that damage the image of the profession and reduce public trust in notary institutions.

No less important is the challenge in gaining full awareness and cooperation from the parties who come to the Notary. Fingerprinting requires active participation from the parties, but in some cases, some parties are reluctant to provide fingerprints due to ignorance, discomfort, or lack of understanding of the importance of this procedure. The lack of education and socialization regarding the benefits and functions of fingerprinting worsens this condition, so that the parties do not see it as an obligation that must be fulfilled for the sake of mutual legal certainty. Therefore, the active role of the Notary in providing explanations and education is very important so that this procedure can be carried out effectively and without obstacles.

The impact of these various obstacles is crucial for legal certainty and protection of the parties involved in the notarial deed. Deeds that are not equipped with fingerprints are at risk of reducing the evidentiary power, which can trigger legal disputes and difficulties in providing evidence in court. Furthermore, non-compliance and these various obstacles also

have negative implications for the credibility of the Notary profession and reduce public trust in the notarial system. Therefore, efforts to overcome these obstacles must be a priority, both through increasing training and socialization, providing adequate facilities and infrastructure, strengthening supervision, and enforcing strict codes of ethics and regulations. Only then can the obligation to include fingerprints be implemented optimally and provide maximum legal protection for all parties.

Efforts to Strengthen Regulation and Supervision can Increase the Effectiveness of Fingerprinting to Ensure Legal Protection for the Parties

Evaluation and improvement of regulations regarding the inclusion of fingerprints in notarial deeds are important steps to ensure that the implementation of this obligation runs consistently and effectively. Although Article 16 paragraph (1) letter c of Law Number 2 of 2014 already regulates this obligation, practice in the field still shows unclear procedures and room for interpretation that cause differences in implementation between Notaries. Therefore, revision or addition of more detailed regulations is needed to clarify the procedures for including fingerprints, including technical specifications, exceptions if any, and legal consequences if this obligation is not fulfilled. These more detailed regulations can help eliminate ambiguity and reduce inconsistencies in the implementation of obligations, thereby providing stronger legal certainty for all parties involved.

In addition, the role of regulations is crucial in overcoming the inconsistency in the implementation of the obligation to include fingerprints which has been a problem so far. Clear regulations not only serve as guidelines for Notaries in carrying out their duties but also as a control tool for supervisory institutions to objectively assess compliance. With strict and complete regulations, Notaries have a definite reference and the public can better understand their rights and obligations. On the contrary, vague or incomplete regulations open up opportunities for negligence or manipulation practices that are detrimental to the parties in the notarial deed, so strengthening the rules is very necessary as the main foundation in supporting legal protection.

Strengthening the role and function of the Notary supervisory institution, such as the Notary Council and the Supervisory Board, is also a strategic effort that is no less important. For this reason, increasing the capacity and resources of the supervisory institution must be carried out so that it can carry out its supervisory function optimally. This includes increasing the number and quality of human resources for supervisors, procuring supporting facilities and infrastructure, and developing an effective reporting and monitoring system. With adequate capacity, the supervisory institution can be more active and responsive in conducting examinations, investigations, and evaluations of the implementation of the obligation to include fingerprints by Notaries in various regions.

A more intensive and sustainable supervision strategy must be implemented by the supervisory institution to ensure Notary compliance with the obligation to include fingerprints. Routine supervision and not just incidental supervision will help identify problems early and prevent wider violations. In addition, ongoing supervision also encourages a culture of compliance and professionalism in notarial practice. The implementation of information technology in the supervision system, such as the use of electronic databases for fingerprint recording, can strengthen the effectiveness of supervision and provide accurate data as a basis for assessing Notary compliance.

Strict enforcement of sanctions against violations of the obligation to include fingerprints is key to creating an effective deterrent effect. The mechanism for providing administrative and disciplinary sanctions must be designed clearly and fairly, from written warnings, administrative fines, and temporary suspensions, to revocation of practice permits if the violation is serious and repeated. The process of enforcing these sanctions must be

transparent and fast so that it can have a real impact on Notaries who violate and maintain the integrity of the profession. Apart from that, consistent enforcement of sanctions is also proof of the seriousness of the supervisory institution in enforcing regulations and ensuring legal certainty for the parties.

The deterrent effect resulting from strict enforcement of sanctions is very necessary as part of strengthening Notary compliance with the obligation to include fingerprints. With clear and real consequences for violators, Notaries will be more careful and obedient in carrying out these obligations. This deterrent effect also has a positive impact on the reputation of the profession and public trust in notary institutions. Therefore, synergy between strong regulations, effective supervision, and strict enforcement of sanctions must be the main foundation in efforts to improve the quality of the implementation of fingerprint inclusion to ensure optimal legal protection for all parties. Increasing education and socialization to Notaries is a strategic step that must not be ignored in ensuring that the obligation to include fingerprints is carried out properly. Periodic training programs need to be held routinely to update the knowledge and skills of Notaries regarding the technical, legal, and ethical aspects of implementing this obligation. Through this training, Notaries can deeply understand the urgency of including fingerprints as a very important identity authentication tool in maintaining the validity of deeds and legal protection of the parties. In addition, the training can also provide provisions on solutions to technical obstacles that may arise and build professional awareness to always comply with applicable regulations.

Education that targets the community and parties who appear before a Notary is also an integral part of this effort. Public legal awareness regarding the importance of including fingerprints on notarial deeds is still relatively low so there is often rejection or unpreparedness when this procedure must be carried out. Therefore, socialization involving various communication media, public seminars, and the distribution of educational materials must be intensified so that parties can understand the function of fingerprints as a guarantee of the validity and security of transactions. This increase in understanding is expected to encourage cooperation and active participation of the community in the process of including fingerprints so that the implementation of obligations becomes smoother and more effective.

The provision of adequate facilities and infrastructure in Notary offices is also an important factor that must be considered. Procurement of high-quality fingerprint printing tools and materials, such as special long-lasting ink and easy-to-use stamp tools, must be guaranteed in all regions, including remote areas. With complete and quality facilities, the fingerprinting process can be carried out professionally without significant technical obstacles. Adequate facilities not only speed up the implementation of the procedure but also ensure that the fingerprinting results can meet the clarity and durability standards required as legal evidence.

In addition, the development of digital technology as an alternative to fingerprinting has begun to become a modern solution that can overcome various technical and practical obstacles. The implementation of a digital biometric system in fingerprint recording can improve the accuracy, efficiency, and security of the identity data of the parties. This technology also allows integration with the national notary database which facilitates supervision and verification. However, the development and implementation of this technology requires clear regulatory support and adequate investment so that it can be implemented evenly in all Notary offices in Indonesia.

Collaboration between stakeholders is the main key to strengthening the effectiveness of the implementation of the obligation to include fingerprints. The harmonious synergy between Notaries, supervisory institutions such as the Notary Council, the government, and the community must be built and maintained. The government can play a role in providing supportive regulations, funds, and facilities, while the supervisory institution ensures

compliance of Notaries, and the community plays an active role in understanding and participating. This collaboration will create a conducive ecosystem for the obligations that are not only a formality but also real and comprehensive legal protection. The role of the Notary professional association is also very important in supporting the implementation of regulations and supervision. The association can be a forum for communication and coordination between Notaries, as well as a structured training and socialization organizer. In addition, the professional association can provide recommendations and input regarding policies related to the inclusion of fingerprints and supervise the ethics and professionalism of its members. With strong association support, it is hoped that the practice of including fingerprints can be more uniform and of higher quality while increasing public trust in the notary institution as a whole.

CONCLUSION

Increasing education and socialization to Notaries and the public is the main foundation in strengthening the implementation of the obligation to include fingerprints on notarial deeds. Through periodic training programs, Notaries can be equipped with a comprehensive understanding of the importance of fingerprints as a crucial identity authentication tool to maintain the validity of deeds and legal protection for the parties. On the other hand, education that targets the public and the parties facing them is critical to increasing legal awareness so that effective cooperation is created in the fingerprint inclusion process. The combination of good understanding and legal awareness will minimize implementation obstacles and strengthen the legitimacy of deeds made by Notaries.

In addition to the educational aspect, the provision of adequate facilities and infrastructure and the development of digital technology are supporting factors that are no less important in ensuring the smoothness and quality of the fingerprint inclusion obligation. With the availability of quality tools and materials in all Notary offices, the fingerprint inclusion process can take place professionally and by applicable legal standards. Furthermore, collaboration between stakeholders—including Notaries, supervisory institutions, government, society, and professional associations—is the key to success in creating an effective supervisory system and supporting compliance with regulations. This synergy will strengthen legal protection for all parties and increase the credibility and integrity of the Notary profession in the eyes of the public.

REFERENCES

- Abdillah, S. (2023). Batasan Kewenangan Dan Tanggung Jawab Notaris-PPAT Dalam Edukasi Prosedur Pembuatan Akta Otentik Ditinjau Dari Pasal 51 KUHP. *Journal of Education Research*, 4(1), 321.
- Abdillah, S. a. (2022). Spesialitas Notaris-PPAT Sebagai Profesi dan Jabatan Dalam Sistem Hukum Indonesia. *Jurnal Kajian Ilmu Hukum*, 1(1), 11-24.
- Afriana, A. (2020). Kedudukan Dan Tanggung Jawab Notaris Sebagai Pihak Dalam Penyelesaian Sengketa Perdata Di Indonesia Terkait Akta Yang Dibuatnya. *Jurnal Poros Hukum Padjadjaran*, 167-177.
- Annisa, S. N. (2024). Analisis Tantangan dan Prospek Masa Depan Jabatan Notaris di Indonesia dalam Era Digitalisasi dan Perkembangan Ekonomi. *Journal of International Multidisciplinary Research*, 2(1), 205–212.
- Baiti, I. N. (2023). Urgensi dan Penerapan Konsep Cyber Notary di Masa Pandemi Covid-19. *Notarius*, 16(1), 540–554.
- Budianto, A. S. (2024). Perluasan dari Alat Bukti Tertulis dalam Perspektif Hukum Acara Perdata. *Law, Development and Justice Review*, 7(2), 124–140.

- Diana, P. V. (2016). Pertanggung Jawaban Notaris Dalam Pembuatan Akta Berdasarkan Pemalsuan Surat Oleh Para Pihak. *JurActa Comitatus*, 188–195.
- Febrianty, Y. (2023). *Keberadaan Hukum Kenotariatan Di Indonesia*. Cirebon: Green Publisher,.
- Haris, I. N. (2018). Pertanggungjawaban Notaris Berkenaan dengan Kebenaran Substansi Akta Otentik I. *Rechtidee*, 15(1), 165–175.
- Hermin. (2024). *Regulasi Penandatanganan Secara Elektronik Terhadap Akta Autentik*. Ponorogo: Uwais Inspirasi Indonesia.
- Hudaya, S. G. (2022). Sah Tidaknya Pembuatan Akta Notaris Secara Elektronik Berdasarkan Teori Hukum Positif Yang Berlaku. *Al Qodiri : Jurnal Pendidikan, Sosial Dan Keagamaan*, 19(3), 566–578.
- Inzaghi, D. L. (2024). Analisis Kewenangan Notaris Pengganti Dalam Penerbitan Salinan & Minuta Akta Untuk Keterangan Hukum Di Pengadilan. *Jurnal Hukum Bisnis*, 8(2), 228.
- Januar, I. P. (2024). Perubahan Kualitas Akta Notaris Menjadi Akta Dibawah Tangan Atau Menjadi Batal Demi Hukum Berdasarkan Undang-Undang Jabatan Notaris. *Honeste Vivere*, 34(1), 81–91.
- Kurniawan, I. W. (2018). Tanggung Jawab Notaris Atas Akta yang Tidak Dibacakan Dihadapan Para Penghadap I. *Acta Comitatus Jurnal Hukum Kenotariatan*, 3(3), 489–499.
- Ma'ruf, U. a. (2015). Tinjauan Hukum Kedudukan Dan Fungsi Notaris Sebagai Pejabat Umum Dalam Membuat Akta Otentik. *Jurnal Pembaharuan Hukum*, 433.
- Manibuy, C. (2023). Analisa Hukum Klausul Eksonerasi (Pembebasan Tanggung Jawab) dalam Akta Notaris. *Al Qodiri : Jurnal Pendidikan, Sosial Dan Keagamaan*, 21(1), 249–259.
- Moechtar, O. (2024). *Hukum Kenotariatan: Teknik Pembuatan Akta Notaris Dan PPAT*. Jakarta: Kencana.
- Nofrianti, S. (2024). *Tanggung Jawab Notaris Atas Pembuatan Akta Yang Tidak Sesuai Prosedur Berdasar Undang-Undang Jabatan Notaris*. Yogyakarta: Universitas Islam Indonesia.
- Nurjanah, A. (2023). Subtansi Prinsip Profesionalisme Dalam Peran Notaris Sebagai Pejabat Umum Terhadap Pembuatan Akta Autentik. *Cakrawala*, 1028–1036.
- Prabawa, I. G. (2020). Peran Notaris Dalam Pendirian Koperasi Setelah Diberlakukannya Online Single Submission. *Acta Comitatus*, 5(2), 411.
- Pratiwi, M. K. (2023). Pertanggungjawaban Notaris Dalam Penyerahan Dokumen Kepada Orang Yang Tidak Berwenang. *Jurnal Ilmu Sosial Dan Pendidikan*, 7(3), 1966–1976.
- Prianto, A. A. (2024). Kepastian Hukum Kekuatan Akta Otentik Terhadap Para Penghadap Yang Mengandung Klausula Eksonerasi Dikaitkan Dengan Tanggung Jawab Notaris. *SENTRI: Jurnal Riset Ilmiah*, 3(3), 133.
- Salsa, S. N. (2020). *Hukum Pengawasan Notaris Di Indonesia Dan Belanda*. Jakarta: Kencana.
- Sari, D. A. (2018). Kewenangan Notaris Di Bidang Cyber Notary Berdasarkan Pasal 15 Ayat (3) Undang-Undang Nomor 2 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris. *Jurnal Ilmiah Prodi Magister Kenotariatan*, 2(2), 219–227.
- Sudjarot, A. (2022). Peran Dan Kewenangan Notaris Terhadap Pendaftaran Izin Usaha Melalui Sistem Online Single Submission. *Fiat Iustitia : Jurnal Hukum*, 3(1), 93–113.
- Wijaya, P. A. (2018). Tanggung Jawab Notaris Terhadap Kesalahan Dalam Pembuatan Akta Yang Dilakukan Oleh Notaris Penggantinya. *Perspektif*, 23(2), 113.