

THE CHARACTERISTICS OF THE NOTARIAL PROFESSION AS A PROVIDER OF PRO BONO LEGAL SERVICES FOR INDIGENT COMMUNITIES**Andika Putra Eskanugraha¹****Universitas Jember, Jember, Indonesia****andikaputraeskanugraha@gmail.com****Widodo Ekatjahjana²****Universitas Jember, Jember, Indonesia****Fendi Setyawan³****Universitas Jember, Jember, Indonesia**

Abstract

This study examines the notarial office as both a legal profession and a Public Official as stipulated in the Law on Notarial Office (Undang-Undang Jabatan Notaris/UUJN). The concepts of “profession” and “Public Official” as attached to the Notary have distinctive characteristics within the Indonesian context. As a legal professional, the Notary performs duties professionally to serve the public in the field of private (civil) legal services within the scope of his or her authority. These legal services are remunerated through honoraria paid by members of the public, the amount of which is regulated by the UUJN and the professional organization. In providing legal services to the public, Notaries are obliged to render services free of charge to indigent persons. This obligation is regulated under Article 37 of the UUJN, which also prescribes sanctions for non-compliance. Through the UUJN, the Government facilitates economically disadvantaged members of society to ensure the legal protection of their rights in transactions and legal acts that require authentic evidence in the form of a notarial deed. However, the UUJN does not clearly explain the criteria and requirements for determining who qualifies as an “indigent” person eligible to receive free legal services from a Notary. Furthermore, the prevailing laws and regulations do not specify the types or scope of notarial legal services that may be provided to economically disadvantaged persons under this scheme. Accordingly, the legislation should more carefully regulate the subjects eligible to receive free notarial legal assistance, while still taking into account eligibility requirements, the scope of services that may be provided, and service standards to be applied by Notaries when rendering pro bono legal services to indigent persons.

Keywords: Characteristics of Notaries, Legal Services, and Indigent Communities

INTRODUCTION

Interactions that occur within society may give rise to legal relationships formed on the basis of agreement, whether such agreements have economic value (business activities) or are non-profit in nature, as a manifestation of human beings as social creatures. Business activities that possess economic value cannot be carried out through coercion, but must be based on mutual consent. Such consent is entered into by legally competent subjects, subject to limitations of age and authority to act as regulated by statutory law (Eskanugraha, 2021). Agreement between the parties constitutes the primary basis for the formation of legal relationships, whether established in written or oral form. Both forms represent manifestations of contractual arrangements between the parties involved. Members of society may enter into agreements orally due to a high level of trust in the other party's performance of the agreement. However, oral agreements have inherent weaknesses from an evidentiary perspective, as they lack a physical form that can be retained as documentary evidence by the parties (Vijyantera, 2020). Written agreements are therefore considered superior to oral agreements, as their evidentiary value is more readily established. Agreements made in writing, witnessed, and executed before an authorized public official are more difficult to dispute in the future than agreements made merely in private written form or orally. Written agreements executed before a public official are referred to as authentic deeds. Such authentic deeds may be drawn up by a public official, namely a Notary.

Notarial regulation in Indonesia is governed by Law of the Republic of Indonesia Number 30 of 2004 on the Office of Notary, as amended by Law of the Republic of Indonesia Number 2 of 2014 on the Amendment to Law Number 30 of 2004 on the Office of Notary (Undang-Undang Jabatan Notaris/UUJN). Notaries provide legal services to the public through the preparation of authentic deeds and the exercise of other statutory authorities, and they must comply with service standards prescribed by law. The drafting of deeds by a Notary is performed professionally, with due regard to the legal standing of the appearers, the clauses to be stipulated as the parties' agreement, the form or anatomy of the deed, as well as witness requirements and the procedures for executing the deed by signature in accordance with the prevailing legal framework. The anatomy of a deed is prepared by the



Notary in accordance with prescribed procedures and consists of the opening (or heading) of the deed, the body, and the closing (or ending) of the deed (Apriana, 2023).

In providing legal services to the public, Notaries are obliged to render such services free of charge to indigent persons pursuant to Article 37 of the UUJN. Economically disadvantaged members of society may utilize this state-provided facility to ensure that their transactions or legal acts are properly safeguarded by obtaining notarial instruments that carry strong evidentiary value before the courts, without the obligation to pay an honorarium because they fall within the category of “indigent persons.” The criterion of “indigence” under Article 37 of the UUJN should be clearly elaborated through implementing laws and regulations. This is important because the UUJN framework can be highly beneficial for economically disadvantaged communities in obtaining legal protection through notarial products provided on a pro bono basis. The provision of legal assistance for indigent persons must be implemented not merely as a formal statutory requirement, but in a manner that ensures its benefits are genuinely experienced by economically disadvantaged communities. The regulation of Article 37 of the UUJN should also be followed up through mechanisms comparable to those established for legal aid to indigent persons under Law Number 16 of 2011 on Legal Aid (UU Bantuan Hukum).

The criteria for determining whether a person is “indigent” or economically disadvantaged are difficult to construe. This raises questions as to the applicable benchmarks and documentary evidence that should be produced when an individual appears before a Notary and claims an inability to pay. A further issue concerns the scope of notarial legal services that may be accessed by economically disadvantaged persons—namely, what types of services may appropriately be provided. For example, if an individual appears before a Notary, claims to be indigent, and requests pro bono notarial services for the establishment of a limited liability company (Perseroan Terbatas), it is debatable whether such services should be rendered free of charge. The incorporation of a limited liability company typically requires an authorized capital amounting to tens of millions of rupiah, such that an applicant seeking this service would, in principle, be unlikely to satisfy the criteria of an indigent person. Accordingly, statutory regulation is necessary to delineate: (i) the criteria for eligible

beneficiaries of pro bono notarial services; (ii) the types of legal services that may be provided; and (iii) the standards or conditions for the implementation of pro bono legal assistance by Notaries.

REVIEW OF LITERATURE

According to (Yacoub, 2013), poverty constitutes one of the fundamental problems in many countries, as it concerns the necessities of human life and the fulfillment of basic needs. Developing countries often assume that economically disadvantaged groups are unable to compete for existing opportunities due to limitations in the quality of their human resources (Syah, 2011). The availability of high-quality human resources is crucial for long-term economic growth; therefore, the role of government is also essential to minimize economic inequality by strengthening human resource development.

Insufficient income and assets affect the fulfillment of basic needs such as health care, education, clothing, housing, and, most importantly, food. Limitations in meeting these basic needs are caused by various factors, including restricted access to health services, limited employment opportunities, and low educational quality (Ferezagia, 2018). High poverty rates lead to a decline in societal welfare, which in turn results in sluggish economic growth. Hidayat Syah shares a similar view regarding poverty, indicating that it is attributable to low economic growth, a low Human Development Index, and high unemployment rates (Wulansari et al., 2023). More specifically, in the research of Debrina Vita Ferezagia, the indicators of poverty commonly employed include income levels, wages, household consumption, mortality rates, child malnutrition, the proportion of children under five, immunization coverage, primary school enrollment rates, maternal mortality rates, average life expectancy, the proportion of government expenditure allocated to food provision and basic public services, access to clean water, population growth, urbanization, literacy rates, per capita income, and income distribution. Poverty benchmarks, therefore, are not limited to conditions of food deprivation and low income levels, but also encompass health status, educational attainment, and the realization of equal treatment before the law (Ferezagia, 2018).



Equality before the law may be realized when laws and regulations enacted by the government provide legal certainty and practical benefit. Economically disadvantaged members of society may utilize state-facilitated mechanisms, as the UUJN provides for pro bono legal services for indigent persons. Such notarial legal services may be used to strengthen community transactions by formalizing agreements executed before a public official. Notarial instruments constitute strong evidence before a court of law; accordingly, individuals may secure legal protection for their acts or legal events through the execution of a notarial deed. Where the appearers (members of the public) are unable to pay the notarial honorarium, the relevant legal services may be provided free of charge to those who meet the criteria of indigent persons.

The provision of pro bono legal services by Notaries, in practice, has not been implemented optimally. Such implementation could be enhanced by establishing technical regulations governing the delivery of free notarial legal services for indigent persons as a follow-up to the Notary Position Act (UUJN). The provision of pro bono notarial legal services should be regulated with respect to: (i) the eligibility criteria of intended beneficiaries, (ii) the scope and types of legal services that may be provided, and (iii) the applicable standards and procedural requirements for Notaries in delivering such pro bono assistance. In fact, regulatory arrangements concerning free legal assistance have already been undertaken by the Government through the legal aid framework set out in the Legal Aid Act (UU Bantuan Hukum). These two concepts should therefore be integrated to promote a more effective legal aid system for the public in the future.

RESEARCH METHOD

Law exists and evolves in tandem with social and socio-economic development. A closed system in any discipline or branch of knowledge may also claim to possess a *sui generis* character, namely a distinctive mode of operation and a different scientific system, owing to differences in the object of inquiry (Prakoso, 2019). This study employs normative legal research. The problem approach adopted in this research comprises several approaches, namely the statutory approach and the conceptual approach. The statutory approach is carried

out by examining all laws and regulations relevant to the subject matter of the research. The conceptual approach analyzes legal concepts as well as concepts of socio-economic development in order to elucidate and address the research problems. The examination of the Notary Position Act (UUJN) focuses on the characteristics of Indonesian Notaries as public officials and legal professionals, particularly with respect to the provision of legal services for economically disadvantaged communities. The sources of this research may be classified into primary and secondary legal materials, as well as non-legal materials such as studies in economics and the social sciences. Primary legal materials are authoritative in nature, meaning that they carry legal authority. They consist of statutes and regulations, as well as official records or legislative histories produced in the law-making process, which form part of the research materials (Marzuki, P.M. 2010). Furthermore, an analysis of the concept of welfare within the framework of socio-economic development constitutes an integral part of this study, insofar as it is used to determine the criteria for indigent persons in this research.

RESULTS AND DISCUSSION

The characteristics of the notarial profession as a provider of pro bono legal services for indigent communities are elaborated through the following discussions:

Notaries as a Legal Profession and Public Officials

The regulation of Notaries under the Notary Position Act (UUJN) categorizes Notaries as public officials and as professionals who provide legal services—particularly in relation to agreements—to the public, namely the appearing parties. Article 1 point 5 and Article 82 of the UUJN stipulate that the Indonesian Notary Association (*Ikatan Notaris Indonesia*—INI) is the sole professional organization for Notaries. As officials authorized to draw up authentic deeds and entrusted with public service functions, Notaries are afforded various institutional facilities under the UUJN compared with other legal professions in Indonesia. The legal profession is among the oldest professions, alongside medicine and engineering. Historically, the legal profession first developed in Western Europe in parallel with the emergence of industry in the region, as a response to the rapid spread and



consolidation of industrialization, which began to reduce human labor in various occupations (Marzuki, S. 2017).

The office of Notary as it is known today is the result of a long historical development. In its early formation, the notarial office was designated by various nomenclatures across different countries. Despite these diverse designations, there was a shared understanding that the notarial office functioned as a profession concerned with recording or documenting legal acts for evidentiary purposes. During the Roman Empire under Emperor Justinian in 527, a new conception of evidence emerged, in which proof was no longer limited to witness testimony but also encompassed agreements and other instruments in accordance with societal development. Agreements formulated during this period evolved to effectively integrate testimonial evidence with written evidence (Tobing, 1983). In Ancient Rome, there existed a group of educated individuals whose profession involved recording decisions or activities in both private and public spheres, as well as preserving documents and issuing copies thereof. This profession was known as the *Scribae*, which later developed into what became known as Notaries. Society required the services of this profession, the origins of which can be traced to the term *nota literaria*, meaning “letter marks” or characters, through which the *notarii* transcribed or represented spoken words in written form. The work of individuals who recorded and transcribed speeches delivered in the Roman Senate using abbreviations or characters constitutes the historical foundation of the duties of the *notarii* (Prajitno, 2010). Such written evidence was subsequently utilized by society to record transactions and to promote more advanced regional economic development by providing legal certainty in economic transactions conducted by the public.

Legal professions in Indonesia include, inter alia, Advocates, Notaries, Land Deed Officials (*Pejabat Pembuat Akta Tanah*), Mediators, Auction Officials, Police officers, Public Prosecutors, and others. Some of these professions are governed by legislation, while others have not yet been specifically regulated under statutory law. They may operate within state institutions or agencies, as well as within the private sector. Raja Kishore Prasad, a judge in India, defines the legal profession as follows (Wibowo, 2024):

“The legal profession is not merely an occupation, but a calling to serve justice and society. It underscores the importance of integrity, ethics, and responsibility in legal practice. This profession entails not only knowledge of the law, but also a commitment to uphold justice, protect individual rights, and ensure that everyone receives fair treatment before the law. Accordingly, the legal profession functions as a principal pillar of the justice system and society as a whole.”

The legal profession may be pursued by fulfilling required standards of formal education and by joining a professional organization as an institutional platform for carrying out professional duties in compliance with a mutually agreed code of ethics.

Notaries who perform their duties pursuant to an appointment and decree issued by the Minister of Law are vested with the authority to use an official stamp bearing the state emblem, to create state archives, and to operate under supervision and professional guidance administered by the Ministry. These features constitute distinctive markers of the Notary as an office-holder, rather than merely a legal professional in the general sense. Notaries in Indonesia and Notaries in other jurisdictions exhibit differing characteristics and institutional particularities in the performance of their functions and office. The exercise of the notarial office in Indonesia, as compared with that in several other countries, varies according to each jurisdiction’s regulatory framework. These differences are analytically significant, particularly with respect to notarial powers, obligations, and prohibitions in selected jurisdictions when compared with those applicable to Notaries in Indonesia.

Notaries, as a legal profession in many parts of the world, seek to standardize their services and professional practice by participating in global notarial professional organizations. Through the Indonesian Notary Association (*Ikatan Notaris Indonesia*—INI), Indonesian Notaries are members of the International Union of Notaries (UINL) and have also served as organizers and hosts of the World Congress of Notaries held under the auspices of the UINL (*Union Internationale du Notariat Latin*) on 27–30 November 2019. The UINL brings together numerous national notarial organizations, including Indonesia through the INI, as well as those of Japan, France, the Netherlands, and many other countries; as of 2025, it comprises 92 member countries. The UINL Code of Ethics functions as a benchmark for



notarial organizations in many member jurisdictions. Moreover, notarial legislation and regulatory instruments in various countries frequently refer to and adapt principles derived from the UINL Code of Ethics. The UINL Code of Ethics addresses, inter alia, human rights, sustainable development, and the common good in Article 18, as well as the protection of the public interest in Article 52. Articles 18 and 52 of the UINL Code of Ethics provide as follows:

Article 18

In performing their functions, Notaries shall promote human rights and, in particular, respect life, food security, and the environment, and contribute to the sustainable development of society based on solidarity. Notaries shall respect the rights of local communities by assisting them in strengthening and establishing their own legal, economic, cultural, and social structures.

Article 52

Notarial services shall contribute to the common good of society, a criterion to be used in interpreting the preceding articles.

The challenges faced by Notaries in the era of the Industrial Revolution must be addressed prudently and responsibly by Notaries providing legal services to the public. Notaries are required to explore and adapt to contemporary technological developments in order to support economic growth and to foster a favorable business climate for micro, small, and medium enterprises (MSMEs). The active role of Notaries in supporting and implementing government policies—particularly by assisting the public in obtaining business licensing services and by contributing to the advancement of the industrial revolution in Indonesia—constitutes an effort to strengthen the community's economy (Talita, 2023). Given that Notaries are both legal professionals and public officials, their role must be strictly regulated in relation to their social function, so that it is not directed solely toward the profession's economic interests or the Notary's personal gain. The authority to draw up deeds and other powers as regulated under the UUJN may be operationalized through technical regulations issued by the Minister of Law.

Types of Notarial Legal Services Provided to the Public

Notaries, as legal professionals and public officials appointed by a state organ, possess a distinctive authority to draw up authentic deeds (perfect instruments of evidence) relating to legal acts in the field of private law. A Notary's authority to prepare authentic deeds covers all acts, agreements, and determinations that are required by laws and regulations or desired by interested parties to be set forth in an authentic deed; it also includes ensuring the certainty of the date of execution, keeping the deed, and issuing copies based on the minuta (Sjaifurrachman et al, 2001). The types of legal services provided by Notaries are not limited to the drafting of deeds, but also include the following (Article 15(2) of the UUJN):

1. certifying signatures and establishing the certainty of the date of private instruments by registering them in a special register (legalization);
2. registering private instruments in a special register (*waarmerking*);
3. producing copies of original private instruments in the form of transcripts containing the same descriptions as written and depicted in the relevant document (*copy collationnée*);
4. certifying the conformity of a photocopy with its original document (certified true copy);
5. providing legal counseling in connection with the preparation of deeds.

The presence of Notaries as legal professionals and public officials within society assists the public in the making of authentic deeds and in the provision of civil-law public services. An authentic deed serves as evidence of a legal relationship between the parties within the domain of private law. It has *prima facie* or conclusive evidentiary value because it is executed by a Notary, whose office is one of public trust. Where a Notary fails to maintain public trust in the preparation of a deed—whether intentionally or negligently—the Notary bears responsibility (Darusman, 2016). Deeds prepared by Notaries relate not only to business activities, but also encompass private-law relationships and the legal status of individuals. The designation of “public official,” as provided in Article 1 point 1 of the UUJN, entails ethical and legal consequences that must be properly upheld by a Notary. The special status of Notaries, grounded in statutory authority, is what qualifies them as public officials. The term “public official” appears in the UUJN as the principal instrument governing a Notary's duties,



powers, and prohibitions in office. Notaries assist the public by recording events or legal acts that form the basis of rights or obligations, which are then embodied in notarial deeds (Azrina, 2021).

A deed that qualifies as an authentic deed must satisfy the following requirements:

1. The deed must be drawn up in the form prescribed by the UUJN. Accordingly, it cannot be prepared in an arbitrary format and must comply with the deed's mandatory structure (heading, body, and closing) as stipulated in Article 38 of the UUJN.
2. The deed must be executed before a public official appointed by the State.
3. The deed must be made by an authorized official, namely a Notary who is legally entitled to draw up such a deed. A Notary who is on leave or who is subject to legal proceedings does not have the authority to execute deeds.

In the deed they draw up, a Notary is not a party, but rather a facilitator who performs an intermediary function, provides legal opinions, and acts solely as an official who assists in embodying the parties' agreements in an authentic deed. A deed that has been agreed upon, read aloud, and signed by the parties, the witnesses, and the Notary constitutes the *minuta* (original deed), which forms part of the state archives in the form of the Notarial Protocol. This *minuta* serves as the basis for the Notary to subsequently issue other notarial instruments, namely copies, excerpts, and the *grosse* of the deed. Proper compliance with the formalities for preparing the *minuta* ensures that the deed attains perfect evidentiary value. "Perfect" in this context means that an authentic deed possesses sufficient probative force on its face, unless the opposing party proves otherwise, and the judge is bound by the deed so long as it is made in accordance with applicable laws and regulations (Afnizar et al., 2022).

Article 4 (2) of the UUJN obliges a Notary "not to speak," meaning that a Notary is prohibited from disclosing the contents of deeds they have executed and any information obtained in the performance of their office. However, pursuant to Article 16(1)(e) in conjunction with Article 54 of the UUJN, the right to maintain confidentiality over the contents of a deed operates alongside the possibility of giving testimony where mandated by law. In other words, a Notary may disclose information relating to the deed and its

confidentiality for legal proceedings that have obtained approval from the Notarial Honorary Council (*Majelis Kebormatan Notaris*), in accordance with Article 66 of the UUJN (Arisaputra, 2012).

Notarial deeds may be drawn up in accordance with the needs and requests of the appearing parties (the public), for example: deeds of establishment of a Limited Liability Company (*Perseroan Terbatas*—PT), a limited partnership (*Commanditaire Venootschap / CV*), a sole proprietorship (*Usaha Dagang / UD*), a foundation, a cooperative, and an association/community organization; as well as deeds of acknowledgment of debt, lease agreements, sale and purchase, loan agreements, exchanges, and others. The public's transactions and legal acts may, in certain cases, be completed solely through the execution of a deed by a Notary. However, other matters require further follow-up after the deed has been executed, such as the establishment of a PT, CV, UD, foundation, cooperative, or association/community organization, and similar entities. In the establishment of such business entities, the Notary's role is limited to assisting in the preparation of the deed and its legal legalization/ratification, whereas subsequent licensing procedures do not fall within the Notary's statutory authority. Rather, such licensing follow-up constitutes legal services outside the Notary's competence, carried out on the basis of a power of attorney granted by the appearing party (the public) to the Notary.

Another form of legal service within a Notary's authority is legalization, namely certifying signatures and establishing the certainty of the date of a private instrument by registering it in a special register maintained by the Notary. The legalization referred to here concerns a private deed (an agreement drawn up by the parties themselves), where the parties sign the document in the presence of the Notary. This procedure is beneficial to the public in conducting transactions, as the Notary witnesses the parties' agreement and confirms that the parties sign before the Notary. The private instrument is then endorsed with a legalization statement by the Notary, including a registration number, and is signed by the Notary. The relevant registration number is also recorded in the Notary's Register of Legalized Private Instruments, and a photocopy of the private instrument is retained. Unlike a notarial deed, in



legalization the instrument is drafted by the parties and may follow a free format, and the Notary does not bear responsibility for the substantive contents of the private instrument.

Another notarial legal service is *waarmerking*. *Waarmerking* refers to a private instrument that has been signed in advance by the parties, with the date (and time, where applicable) already affixed before the parties appear before the Notary. In *waarmerking*, the Notary verifies the existence of the private instrument presented by the parties before the Notary and assigns it a registration number. The benefit of *waarmerking* for the public is that, if at a later time the document is lost or the parties disagree because its contents are disputed or alleged to have been altered, the document (in photocopy form) is retained by the Notary.

Copy collationnée constitutes one of the legal services within a Notary's authority. This service involves reproducing the text and/or images contained in a private instrument. *Copy collationnée* is particularly useful for producing copies of documents whose physical condition has deteriorated, such as paper that has aged, discolored, or become fragile and easily torn. The reproduction is carried out by rewriting the text of the document and describing each image contained therein in narrative form. Consequently, when the physical original of the private instrument naturally deteriorates over time and becomes illegible, there exists an officially prepared *copy collationnée* made by a public official (the Notary), which may serve as evidence to reinforce the probative value of the damaged private instrument.

Another notarial legal service is the certification of conformity with the original (*cap sesuai asli*). This service consists of the Notary photocopying a document and affixing a certification stating that the photocopy corresponds to the original. In such certification, the Notary guarantees the accuracy of the photocopy, having examined the original document, and endorses the photocopy with the Notary's signature and official stamp indicating that the document is a true copy of the original.

Limitations on Notarial Fees and the Provision of Pro Bono Services by Notaries

Notaries, as a profession and public office established by statute, provide legal services to the public and are not remunerated by the State. They perform their services

professionally and receive honoraria derived from the notarial instruments they produce. The receipt of such honoraria does not imply that Notaries are oriented solely toward a service business; rather, Notaries function as legal service providers mandated by the State. The UUJN strictly regulates honoraria to ensure that the notarial profession is not treated merely as a commercial service, but as the delivery of legal services to the public on behalf of the State. In receiving notarial services, the public may refer to the statutory limitations on notarial honoraria under the UUJN, as set out in Article 36:

- (2) The amount of honorarium received by a Notary is determined based on the economic value and the sociological value of each deed executed;
- (3) The economic value referred to in paragraph (2) is determined by reference to the object of each deed as follows:
 1. up to IDR 100,000,000.00 (one hundred million rupiah) or the equivalent in grams of gold at the relevant time, the maximum honorarium is 2.5% (two point five percent);
 2. above IDR 100,000,000.00 (one hundred million rupiah) up to IDR 1,000,000,000.00 (one billion rupiah), the maximum honorarium is 1.5% (one point five percent); or
 3. above IDR 1,000,000,000.00 (one billion rupiah), the honorarium is determined by agreement between the Notary and the parties, but shall not exceed 1% (one percent) of the object for which the deed is drawn up;
 4. The sociological value is determined based on the social function of the object of each deed, with the maximum honorarium being IDR 5,000,000.00 (five million rupiah).

The statutory regulation of the maximum honorarium is important in order to ensure that the public can afford the costs associated with executing deeds for their transactions or legal acts. Business activities and transactions undertaken by the public obtain legal protection through authentic deeds; however, the costs of executing such deeds should remain within the community's economic reach so as to support better economic growth in the future. The Indonesian Notary Association (Ikatan Notaris Indonesia / INI), as the professional



organization of Notaries, also sets minimum fees for notarial legal services. This policy is intended to prevent unhealthy competition within the notarial profession and to provide legal certainty for the public by establishing both maximum and minimum limits on notarial honoraria. Article 5 paragraph (2) letter b point 7 of the 2025 INI Code of Ethics provides that it is prohibited to set an honorarium lower than the minimum tariff applicable in each regency/municipality, as determined by the relevant Regional Board at the regency/municipality level.

The limitation on notarial service honoraria also stipulates that *“Notaries are obliged to provide legal services in the field of notarial practice free of charge to indigent persons”*, as provided under Article 37 of the Law on the Office of Notary (UUJN). However, the UUJN does not provide a clear explanation regarding the criteria for determining who qualifies as an “indigent person” among the appearing parties. Although the UUJN contains provisions mandating the provision of pro bono legal services, their practical implementation remains difficult. The classification of indigent subjects should therefore be further regulated as a follow-up to the provisions of the UUJN, including the specific requirements that must be fulfilled. Moreover, there should be an obligation for Notaries to meet an annual target in providing such pro bono legal services.

The institution authorized to determine the criteria for indigent persons is the Ministry of Social Affairs, following coordination with relevant ministries and institutional leaders, particularly the Ministry of Manpower and Transmigration, the Ministry of Health, and the Ministry of Home Affairs. The criteria established by the Ministry are subsequently implemented by the Central Statistics Agency (Badan Pusat Statistik/BPS) through data collection activities. Article 1 paragraph (1) of Law Number 13 of 2011 on the Handling of the Poor defines the poor (*fakir miskin*) as individuals who have no source of livelihood at all and/or who have a source of livelihood but lack the capacity to meet basic and decent living needs for themselves and/or their families. Individuals living in poverty experience a quality of life that is far below acceptable standards. Poor communities face uncertainty in their livelihoods and often suffer from limited access to essential services and infrastructure. Poverty affects all aspects of life, including political, social, environmental, economic, and

asset-related dimensions. Poverty may be classified according to specific criteria, particularly by comparing an individual's or a household's income level with the income required to meet basic needs. Poverty is generally divided into two categories, namely absolute poverty and relative poverty. Absolute poverty refers to individuals who are unable to meet minimum basic needs, whereas relative poverty refers to individuals who are able to meet minimum basic needs but whose income remains relatively below the average income of the surrounding community (Zubairi, 2025).

Statistical data issued by the Central Statistics Agency (BPS), updated as of 1 December 2025 <https://www.bps.go.id/id/statistics-table/2/NjE5IzI=/jumlah-penduduk-miskin--ribu-jiwa--menurut-kabupaten-kota-.html>, indicate the number of people living in poverty in each province in Indonesia, as follows:

No	Nama Provinsi	Jumlah Orang/Jiwa	No	Nama Provinsi	Jumlah Orang/ Jiwa
1	ACEH	704.690.000	20	KALIMANTAN BARAT	330.950.000
2	SUMATERA UTARA	1.140.250.000	21	KALIMANTAN TENGAH	147.800.000
3	SUMATERA BARAT	312.350.000	22	KALIMANTAN SELATAN	172.720.000
4	RIAU	460.960.000	23	KALIMANTAN TIMUR	199.710.000
5	JAMBI	270.940.000	24	KALIMANTAN UTARA	42.570.000
6	SUMATERA SELATAN	919.600.000	25	SULAWESI UTARA	173.840.000
7	BENGKULU	252.970.000	26	SULAWESI TENGAH	356.190.000
8	LAMPUNG	887.020.000	27	SULAWESI SELATAN	698.130.000
9	KEP. BANGKA BELITUNG	77.710.000	28	SULAWESI TENGGARA	304.430.000
10	KEPULAUAN RIAU	117.280.000	29	GORONTALO	162.740.000
11	DKI JAKARTA	464.870.000	30	SULAWESI BARAT	152.310.000
12	JAWA BARAT	3.654.740.000	31	MALUKU	287.760.00
13	JAWA TENGAH	3.366.690.000	32	MALUKU UTARA	77.270.000
14	D. I. YOGYAKARTA	425.820.000	33	PAPUA BARAT	106.900.000
15	JAWA TIMUR	3.875.880.000	34	PAPUA BARAT DAYA	103.570.000
16	BANTEN	772.780.000	35	PAPUA	171.380.000
17	BALI	173.240.000	36	PAPUA SELATAN	105.530.000
18	NUSA TENGGARA BARAT	654.570.000	37	PAPUA TENGAH	302.310.000
19	NUSA TENGGARA TIMUR	1.088.780.000	38	PAPUA PEGUNUNGAN	337.320.000

The responsibility of Notaries to provide pro bono legal services to indigent members of the public raises the issue of how standards should be established to determine who qualifies as an indigent person eligible for notarial services. A potential concern is that members of the public may approach a Notary by claiming to be indigent and subsequently obtain notarial services free of charge (M. Zahid, 2025). This issue may be addressed by adopting the legal aid framework as regulated under the Legal Aid Law and Government Regulation Number 42 of 2013 concerning the Requirements and Procedures for the Provision of Legal Aid and the Distribution of Legal Aid Funds. The formulation of both litigation (in-court) and non-litigation (out-of-court) legal aid is focused on legal aid recipients

who meet the criteria of indigent communities, as evidenced by a certificate of indigence issued by the local Village Head (*Kepala Desa*) or Urban Ward Head (*Lurah*) (Eskanugraha et al., 2025). A certificate of indigence issued by the Village Head or Urban Ward Head may serve as a legal basis to confirm that the individual concerned is indeed indigent. Such a certificate must first be supported by an introductory letter from the local Neighborhood Association (*Rukun Tetangga*) and Community Association (*Rukun Warga*) in the area where the individual resides. With these requirements in place, Notaries may carry out their obligations pursuant to Article 37 of the Law on the Office of Notary (UUJN) without uncertainty in assessing the eligibility of recipients of pro bono notarial services. In the event that the appearing party or member of the public is in fact financially capable but colludes with the Village Head or Urban Ward Head to falsify their economic condition, the Village Head or Urban Ward Head may be held legally accountable in accordance with the applicable laws and regulations.

With regard to notarial legal services as previously described, it is essential to regulate which types of legal services may be provided by Notaries free of charge to indigent members of the public. This consideration is based on the premise that individuals who qualify as indigent and are exempted from notarial service honoraria are also unlikely to be able to bear other costs arising as a consequence of notarial services. For example, if a member of the public requests the establishment of a Limited Liability Company (*Perseroan Terbatas*) through a notarial deed of incorporation, such establishment requires a minimum authorized capital of IDR 50,000,000 in accordance with the provisions of the Company Law. In such circumstances, the question arises as to whether the application for the establishment of a company should be considered eligible for pro bono assistance by a Notary. Notaries may provide pro bono legal services to indigent individuals only for services that meet the following criteria:

1. The service is limited to the preparation of a deed, and does not include other legal services based on a power of attorney, as such services fall outside the authority of a Notary;

2. The service involves the preparation or assistance in the preparation of authentic deeds, legalization, *waarmerking*, copy collatione, or certification of conformity with the original document (*cap sesuai asli*) by a Notary, in relation to transactions or legal acts of low economic value;
3. The authentic deed prepared by the Notary is not subject to special preliminary requirements that entail high associated costs.

By applying these criteria, Notaries are able to properly implement the provisions of Article 37 of the Law on the Office of Notary (UUJN), as they provide clarity regarding the scope of legal services that may be rendered free of charge.

Notaries, as legal professionals and public officials, should be further optimized by the government in relation to the provision of pro bono legal services. The optimization of such pro bono services by Notaries may be achieved through statutory regulations that establish a minimum annual threshold for the obligation to provide free legal services to indigent members of the public. The obligation to deliver a minimum number of pro bono legal services by Notaries may be implemented through cooperation with Legal Aid Organizations (*Organisasi Bantuan Hukum/OBH*), which likewise provide legal assistance to indigent persons. Legal Aid Organizations also operate non-litigation legal aid programs, including document drafting services. Such programs may be collaboratively implemented between Notaries and Legal Aid Organizations to enhance public benefit in the future and to ensure the effective implementation of pro bono notarial services as mandated by the Law on the Office of Notary (UUJN). This cooperation may be structured based on the following rationales:

1. Indigent individuals who require legal assistance initially seek support from Legal Aid Organizations;
2. Legal Aid Organizations provide free legal services in both litigation and non-litigation matters. Non-litigation legal aid includes legal consultation, mediation, negotiation, legal research, legal education, community empowerment, out-of-court assistance, case investigation, and document drafting;

3. Legal Aid Organizations assist indigent individuals specifically in the drafting of legal documents.

Legal Aid Organizations may be either accredited or not accredited by the Ministry of Law. It is therefore expected that the Ministry of Law will take the initiative in facilitating such cooperation and regulating this framework through a Ministerial Regulation on Pro Bono Notarial Legal Services, to serve as a guideline for the provision of free legal services by Notaries.

CONCLUSION

Notaries constitute both a legal profession and public officials who provide legal services to the public in the form of the preparation of authentic deeds, legalization, *waarmerking*, copy collatione, and certification of conformity with the original (*cap sesuai asli*). These legal services are rendered to the public in a professional manner, and Notaries are entitled to receive legal service honoraria as stipulated under the Law on the Office of Notary (UUJN). Notarial honoraria are subject to a maximum limit regulated by the UUJN and a minimum limit determined by the Indonesian Notary Association (*Ikatan Notaris Indonesia/INI*). This regulatory framework reflects the status of Notaries as state-appointed public officials, rather than merely private service providers. Notarial legal services and the determination of notarial honoraria have wide-ranging economic implications for public transactions and legal acts. The obligation for Notaries to provide pro bono legal services is expressly mandated under Article 37 of the UUJN, and the implementation of this obligation must be improved to ensure its optimal benefit for indigent members of the public. Accordingly, there is a need for statutory regulation governing the criteria for beneficiaries of pro bono legal services, the types of legal services that may be provided, as well as the standards or requirements for the implementation of such pro bono services by Notaries. The criterion of indigence may be established through the requirement that members of the public possess a certificate of indigence issued by the relevant Village Head or Urban Ward Head. The types of notarial legal services that may be provided free of charge are limited to the preparation or assistance in the preparation of authentic deeds, legalization, *waarmerking*,

copy collatione, and certification of conformity with the original (*cap sesuai asli*), insofar as such services relate to transactions or legal acts of low economic value. It is expected that the Ministry of Law will take the initiative in facilitating cooperation between Legal Aid Organizations (*Organisasi Bantuan Hukum/OBH*) and Notaries in the provision of pro bono legal services, and in regulating this framework through a Ministerial Regulation on Pro Bono Notarial Legal Services, to serve as a guideline for the implementation of free legal services by Notaries.

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