

LEGAL ANALYSIS OF NOTARY COMPETENCE IN AUCTION DEEDS

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Abstrak

Penelitian ini menganalisis kepastian hukum atas kewenangan notaris dalam pembuatan risalah lelang di Indonesia. Pasal 15 ayat (2) huruf g Undang-Undang Jabatan Notaris (UUJN) memberikan kewenangan kepada notaris untuk membuat risalah lelang, sementara Peraturan Menteri Keuangan No. 189/PMK.06/2017 menetapkan bahwa kewenangan tersebut sepenuhnya berada pada Pejabat Lelang Kelas II. Konflik norma ini menimbulkan ketidakpastian hukum terkait keabsahan risalah lelang yang dibuat oleh notaris. Dengan menggunakan metode penelitian hukum normatif melalui pendekatan perundang-undangan, konseptual, dan historis, penelitian ini menemukan bahwa inkonsistensi antara UUJN dan PMK tersebut dapat menyebabkan pembatalan risalah serta potensi sengketa hukum. Oleh karena itu, diperlukan harmonisasi regulasi untuk menghindari tumpang tindih kewenangan dan menjamin kejelasan hukum. Penyelarasan ini diharapkan dapat memberikan kepastian hukum bagi para pihak yang terlibat dalam proses lelang dan mendukung efisiensi administratif dalam pelaksanaan lelang di Indonesia.

Kata kunci: *Notaris; Pejabat Lelang; Risalah Lelang; Kepastian Hukum; Konflik Norma.*

Abstract

This research analyzes the legal certainty of notarial authority in drafting auction minutes in Indonesia. Article 15 paragraph (2) letter g of the Notary Position Law (UUJN) authorizes notaries to create auction minutes, while the Minister of Finance Regulation No. 189/PMK.06/2017 assigns such authority exclusively to class II auction officials. This norm conflict has caused legal uncertainty regarding the validity of auction deeds made by notaries. Using a normative legal method with statute, conceptual, and historical approaches, this study finds that the inconsistency between the UUJN and the PMK may result in deed cancellations and potential legal disputes. Harmonizing both regulations is necessary to eliminate overlapping authority and ensure legal clarity. The alignment is expected to provide legal certainty for parties involved in auctions and support administrative efficiency in auction practices.

Keywords: *Notary; Auction Officer; Deed of Minutes of Auction; Legal Certainty; Conflict of Norms.*

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INTRODUCTION

In the Indonesian legal system, notaries play a vital role as public officials authorized to produce authentic deeds, as well as other authorities provided by statutory regulations. According to Article 1 point (1) of Law Number 2 of 2014 on the Notary Position (UUJN), a notary is defined as a public official authorized to make authentic deeds and to exercise other authorities granted by law (Prabawa, 2017, p. 103). One of these authorities includes the preparation of deeds of auction minutes, as stated in Article 15 paragraph (2) letter g of the UUJN. However, in practice, this authority has raised legal debate, particularly concerning overlapping jurisdiction with auction officials regulated under national auction laws. The Minister of Finance Regulation (PMK) Number 189/PMK.06/2017 concerning Class II Auction Officials stipulates that such officials hold specific authority to draft auction minutes, which directly conflicts with the provisions of the UUJN. This contradiction results in a conflict of norms, thereby generating legal uncertainty about which official holds valid authority to issue a deed of minutes of auction.

Several previous studies have examined the authority of notaries in producing authentic deeds and the legal position of auction minutes in Indonesia. For instance, T. I. Sasongko (2018) emphasized that auction minutes made by notaries possess perfect evidentiary value as authentic deeds; however, the study lacks a comprehensive analysis of the conflict of norms between the Notary Position Law (UUJN) and national auction regulations (Sasongko, 2018, p. 9). Similarly, Agustina (2012) pointed out that the authority of notaries to issue auction minutes may pose legal risks for parties involved, particularly concerning the enforceability of such deeds (Ratih Gustina, 2012, p. 94). While both studies contribute to understanding the notary's role in auction documentation, they do not thoroughly explore the normative contradiction between UUJN and PMK No. 189/PMK.06/2017, nor its broader implications for legal certainty. Therefore, this research fills that gap by analyzing the conflict of norms and its impact on the validity of notarial auction deeds, with the aim of proposing regulatory harmonization to ensure legal clarity and consistency.

The urgency of this research is grounded in the need to ensure legal certainty in the drafting of auction minutes deeds, as these documents have substantial legal consequences for all involved parties, including sellers, buyers, and creditors. In the context of *ius constituendum*, the formulation of more precise legal norms concerning the scope of notary authority in drafting auction minutes is essential to prevent overlapping responsibilities with class II auction officials, as stipulated in national auction regulations (Pramapta, 2023, p. 44). The current lack of regulatory clarity may trigger



legal disputes among parties, hinder the enforcement process, and ultimately disrupt legal order and public trust. Beyond its technical legal implications, this issue also affects the broader protection of legal rights for individuals engaged in auction-based transactions. Therefore, harmonized and well-defined regulations between the UUJN and the relevant auction framework are necessary to avoid future uncertainty and reinforce the credibility of legal documents in public transactions.

Based on the background described, this research focuses on a central legal issue: how legal certainty is ensured in the issuance of auction minutes deeds by notaries under Article 15 paragraph (2) letter g of the Notary Position Law (UUJN). The ambiguity in regulating notarial authority in this context presents significant legal concerns. While Article 15 paragraph (2) letter g of Law Number 2 of 2014 (amending Law Number 30 of 2004) grants notaries the authority to draft auction minutes, the Minister of Finance Regulation No. 189/PMK.06/2017 assigns this authority explicitly to class II auction officials. This normative inconsistency (Alusinsing, 2020, p. 486). raises the risk of overlapping jurisdiction, potential legal disputes, and uncertainty for parties relying on auction mechanisms in conducting their transactions.

In practice, the deed of minutes of auction has a crucial role as authentic evidence of the results of the auction conducted (Haris, 2017, p. 60). Uncertainty regarding who is authorized to make this deed may result in different interpretations among stakeholders, including notaries, auction officials, and bidders. If there is no clear legal certainty, the risk of legal disputes related to the validity of the deed of minutes of auction made by a notary will increase. In addition, the absence of an explicit definition of auction minutes in the UUJN also complicates the understanding of the scope of notary authority in this context.

In the context of state administrative law, the principle of legal certainty is part of the general principles of good governance (AUPB) which must be guaranteed in every policy and legislation (Pujiastuti et al., 2021). The inconsistency in the regulation of the authority of notaries and auction officials reflects a regulatory gap that needs to be studied more deeply to ensure legal certainty for the community (Tampubolon, 2023, p. 12). Therefore, this research seeks to analyze how the legal certainty of the deed of minutes of auction made by a notary based on Article 15 paragraph (2) letter g of the UUJN, in order to provide a more comprehensive understanding of the legal implications of these arrangements as well as policy recommendations that can overcome the existing ambiguities.

This research aims to analyze the legal certainty of the deed of minutes of auction made by a notary based on Article 15 paragraph (2) letter



g of the UUJN. In addition, this research also aims to provide legal solutions that can harmonize regulations related to the authority of notaries in making auction minutes deeds, in order to avoid conflicts of norms that can cause legal uncertainty in the community.

THEORETICAL BASIS

In legal research, theory has an important role in providing a framework for thinking and explaining the legal phenomena under study. The theoretical foundation in this research refers to legal concepts relevant to the authority of notaries in making a deed of auction minutes. In order to comprehensively understand this issue, some of the main theories underlying this research include Legal Certainty Theory, Authority Theory, and Legislation Formation Theory.

Legal Certainty Theory

Legal certainty is a fundamental principle in the legal system that aims to provide clarity and order for society. According to Roscoe Pound, the law must provide clarity for individuals in understanding their rights and obligations, and ensure that the law is enforced consistently (*rechtsorde*) (Pound, 1910, p. 12). The theory of legal certainty emphasizes that the law must be positive, based on facts, clear in its application, and not easily changed arbitrarily (Radbruch, 2006, p. 11).

In the context of this research, legal certainty is crucial because there is a conflict of norms between Article 15 paragraph (2) letter g of UUJN, which authorizes notaries to make deeds of auction minutes, and Minister of Finance Regulation (PMK) No. 189/PMK.06/2017, which states that the authority is in the hands of auction officials. The lack of synchronization between these regulations creates legal uncertainty, which can lead to legal disputes and confusion in notary practice and auction implementation.

According to Gustav Radbruch, legal certainty must contain three main elements: justice, benefit, and order (Radbruch, 1950, p. 45). If legal rules are unclear or contradict other regulations, the goal of legal certainty will not be achieved. Therefore, it is important for the legal system to provide an explicit definition of the authority in making a deed of minutes of auction so as not to cause uncertainty for interested parties.

Theory of Authority

The theory of authority in state administrative law was proposed by Philipus M. Hadjon, who divided government authority into three main forms: attribution, delegation, and mandate (Philipus M Hadjon, 2008, p. 78).



- **Attribution** is a grant of authority that is directly regulated in the law. In this case, Article 15 paragraph (2) letter g of the UUJN authorizes notaries to make deeds of minutes of auction.
- **Delegation** is the delegation of authority from one government organ to another with the transfer of responsibility.
- A **mandate** is a delegation of authority without a transfer of responsibility.

Based on this theory, there is an overlap of authority between notaries and auction officials in the context of making a deed of auction minutes. In administrative law, authority must have a clear and specific legal basis to avoid conflicts between legal norms. Therefore, if there is a conflict of rules, it is necessary to harmonize between UUJN and PMK No. 189/PMK.06/2017 to avoid legal uncertainty.

Theory of Legislation Formation

This theory highlights the importance of the hierarchy of laws and regulations in ensuring that legal rules are consistent and do not contradict each other. In Indonesia's legal hierarchy, laws have a higher position than ministerial regulations, as stated in Law No. 12/2011 on the Establishment of Legislation. Based on the principle of *Lex Superior Derogat Legi Inferiori*, higher regulations (UUJN) should supersede lower regulations (PMK) (Manan, 2004, p. 56). However, in practice, the lack of clarity in the definition and limitation of authority creates ambiguity in the application of the law. In addition, the principle of *Lex Specialis Derogat Legi Generali* states that more specific regulations can override more general rules (Manan, 2004, p. 57). In this context, the PMK which is more specific about auctions can be the main reference compared to the UUJN which is more general.

The inconsistency between UUJN and PMK No. 189/PMK.06/2017 can cause norm conflicts, which have the potential to harm the community. Therefore, harmonization of regulations is necessary so that legal certainty can be guaranteed. If harmonization is not carried out, there is a risk that the deed of minutes of auction made by a notary can be considered invalid, which ultimately harms the parties to the transaction in the auction. Based on the Theory of Legal Certainty, Theory of Authority, and Theory of Legislation Formation, it can be concluded that the lack of clarity in the regulation regarding the authority of notaries in making a deed of auction minutes creates legal uncertainty. Legal Certainty Theory asserts that unclear regulations will lead to potential legal disputes. The Theory of Authority highlights that the attribution of authority must have a clear legal



basis, and the Theory of Legislation Formation shows that conflicts in norms can cause disharmony in the legal system.

RESEARCH METHODS

This research employs normative legal research, focusing on the analysis of positive law by examining applicable legal norms (Soerjono Soekanto, 2019, p. 63). The primary objective is to analyze the legal certainty of the deed of minutes of auction created by notaries, particularly as regulated under Article 15 paragraph (2) letter g of the Notary Office Law (UUJN), in relation to other conflicting regulations. According to Soerjono Soekanto, normative legal research is prescriptive in nature, meaning that it is oriented toward the study of existing legal norms while offering legal solutions to the identified problems. Accordingly, this study focuses on legal norm analysis, especially laws and regulations concerning the authority of notaries in preparing auction minutes, and explores how discrepancies between these regulations generate norm conflicts.

To provide a comprehensive analysis, this study utilizes several approaches. The statute approach is applied to examine and interpret the legal norms governing notarial authority in drafting auction minutes (Musa Alamsyah, 2018, p. 2). The historical approach is adopted to trace the evolution of relevant legislation concerning both notaries and auction officials in Indonesia, aiming to reveal the philosophical and legislative intent behind these rules and assess their continued relevance. In addition, the conceptual approach is used to explore the underlying legal theories that support the normative arguments in this research. These include Gustav Radbruch's theory of legal certainty, Philipus M. Hadjon's theory of authority, and the theory of legislation formation, which emphasizes the necessity for harmony and coherence in legal regulation

This method is used to identify conflicts of legal regulations, especially the inconsistency between UUJN and Minister of Finance Regulation (PMK) No. 189/PMK.06/2017 concerning Class II Auction Officers, as well as its impact on legal certainty in the implementation of auctions. This research draws from two main types of legal materials: primary and secondary sources (Rizal Fauzi, 2020, p. 134). Primary legal materials consist of binding legal documents such as the 1945 Constitution of the Republic of Indonesia, Law Number 2 of 2014 concerning Notary Position (UUJN), the *Vendu Reglement* (Staatsblad 1908:189) as the foundational legal instrument for auctions in Indonesia, and the Minister of Finance Regulation (PMK) No. 189/PMK.06/2017 and PMK No. 122/PMK.06/2023, which define the role and authority of auction officials.



These materials form the core legal basis for identifying normative inconsistencies. Secondary legal materials are used to deepen the normative analysis by incorporating scholarly literature, academic textbooks, legal journal articles both national and international – and previous studies that examine legal certainty in relation to notarial authority and auction practices. These secondary sources enrich the legal arguments and provide critical perspectives. In terms of material collection, this research employs a library research method to explore and gather relevant legal sources. The literature review includes examination of applicable laws, ministerial regulations, and other legal instruments that govern the roles of notaries and auction officials. Furthermore, academic articles and previous research are analyzed to provide context and depth to the normative discussion on regulatory conflicts. The research also includes legal document analysis, particularly the review of judicial decisions related to disputes over notarial authority in preparing auction minutes. This technique helps illustrate how these regulatory conflicts manifest in legal practice and reveals the potential for future legal disputes (Efendi et al., 2016, p. 304).

The legal materials are analyzed through descriptive, evaluative, and argumentative approaches. Descriptive analysis is used to present the legal facts regarding notarial authority in creating auction minutes and to illustrate the development of relevant regulations (Hendra Saputra, 2021, p. 152). Evaluative analysis assesses the effectiveness and sufficiency of these regulations in providing legal certainty to affected parties, particularly in light of conflicting provisions between UUJN and PMK No. 189/PMK.06/2017. The argumentative analysis compares different legal interpretations and perspectives related to notarial and auction official authority, with the aim of formulating regulatory recommendations that address and resolve the identified conflicts. Thus, this research applies a normative juridical method with statute, historical, and conceptual approaches, supported by qualitative analysis of primary and secondary legal sources. The study aims to present a comprehensive legal analysis of the notary's authority in drafting auction minutes, while offering practical and theoretical recommendations to address and resolve the prevailing conflict of norms.

RESULTS AND DISCUSSION

The Position of Notary in the Indonesian Legal System

Notaries in Indonesia serve as public officials authorized to produce authentic deeds, a role legally recognized in Article 1 point 1 of Law Number 2 Year 2014 concerning the Position of Notary (UUJN) (Ma'ruf & Wijaya, 2016, p. 299). Their appointment by the state and function in civil



law emphasizes the centrality of notaries in providing written evidence with perfect evidentiary value (Pemerintah Pusat Indonesia, 2014). This authority is crucial in ensuring the validity and legal certainty of civil legal acts (Pemerintah Pusat Indonesia, 2014), particularly when the documents they produce are relied upon in legal proceedings. The role of a notary as an authentic deed maker is vital in providing legal certainty for the community (Kaawoan et al., 2024, p. 853). An authentic deed made by a notary has perfect evidentiary power before the court, so that what is stated in the deed must be accepted as the truth, unless it can be proven otherwise (Samudera, 2004, p. 49). This shows that notaries play a role in ensuring the validity and legal certainty of legal acts committed by the parties. In addition, notaries are also responsible for ensuring that the deeds made meet the formal and material requirements in accordance with the applicable statutory provisions (Rizgi et al., 2024, p. 873).

In carrying out their duties, notaries must act trustworthy, honest, careful, independent, impartial, and safeguard the interests of the parties involved in the legal act (Abdullah, 2017, p. 656). This obligation is stipulated in Article 16 paragraph (1) of the UUJN, which emphasizes the importance of integrity and professionalism of notaries in carrying out their duties (Wibowo et al., 2022, p. 336). By complying with these principles, notaries can provide optimal legal protection for the parties performing legal acts, thus creating certainty and order in society. In addition, notaries also have a role in supporting government policies related to the Ease of Doing Business in Indonesia. The role of notaries is in line with the government's legal politics in making deeds related to the establishment of companies and other regulations in order to improve the investment climate in Indonesia (Budiono, 2019). Thus, notaries not only play a role in formal legal aspects, but also participate in encouraging economic growth through the provision of quality and reliable legal services.

Role and Authority of Notary in Making Deed of Auction Minutes

Notaries in Indonesia have an important role as public officials authorized to make authentic deeds, including deeds of auction minutes. This authority is regulated in Article 15 paragraph (2) letter g of Law Number 2 Year 2014 on Notary Position (UUJN), which states that notaries are authorized to make a deed of auction minutes (Benedicta, 2015, p. 94). However, this provision raises debates regarding the limits of notary authority in the context of auctions, given the existence of other regulations governing the authority of auction officials. In practice, the implementation of auctions in Indonesia is regulated by the *Vendu Reglement* (VR) and its implementing regulations, which stipulate that the auction official is the party authorized to make minutes of auction. This raises the question of



whether a notary can make a deed of auction minutes without being appointed as a class II auction official by the Ministry of Finance (Mildasari & Musyafah, 2024, p. 1276). Several studies have shown that a notary who wishes to make a deed of auction minutes must first be appointed as a class II auction official. Thus, without such appointment, the notary's authority to make a deed of auction minutes is limited.

The validity of the auction minutes deed made by a notary is very important in ensuring legal certainty for the parties involved in the auction process. The auction minutes deed is an authentic deed that has perfect evidentiary power, so it must be made by an authorized official in accordance with the provisions of laws and regulations. If the deed is made by a notary without legal authority, it can cause legal problems related to the validity of the deed. Therefore, it is important for notaries to ensure that they have the proper authority before making a deed of auction minutes. In the context of theoretical studies, this is related to the theory of authority and legal certainty, where an official's actions must be based on the authority granted by laws and regulations to ensure validity and legal certainty.

Conflict of Norms Between the Notary Position Law and the National Auction Regulation

The inconsistency of laws and regulations often causes problems in legal practice, especially in determining the authority of certain officials. One clear example of a conflict of norms in Indonesian law is the difference in arrangements related to the deed of minutes of auction involving notaries and auction officials. In Article 15 paragraph (2) letter g of the UUJN, a notary is stated to be authorized to make a deed of minutes of auction. Meanwhile, PMK No. 189/PMK.06/2017 states that the preparation of minutes of auction is the authority of class II auction officials who have been appointed by the Minister of Finance (Dewi & Resen, 2021, p. 47). This difference creates ambiguity in legal practice because the two regulations regulate the same aspect, but with different provisions.

In an ideal legal system, laws and regulations must be synchronized and harmonized so as not to cause confusion in their implementation (Zuhdi et al., 2025, p. 48). In this case, there is potential for the application of the principle of *lex superior derogat legi inferiori*, which states that regulations with a higher hierarchy override lower regulations (Pramapta, 2022, p. 344). Thus, UUJN as a higher law theoretically has greater power than PMK. However, in legal practice, the principle of *lex specialis derogat legi generali* can also be applied, where the PMK as a special rule in terms of auctions can override the more general rules in the UUJN. The disagreement in the application of this legal principle (Noonan, 1962, p. 169)



has only further muddied the debate regarding the authority to make a deed of minutes of auction.

The impact of this norm conflict is not only limited to academic debate, but also has an impact on legal certainty for auctioneers. In some cases, the deed of minutes of auction made by a notary without an appointment as a class II auction official is at risk of being considered invalid. This has the potential to lead to legal disputes, where parties who feel aggrieved can file a lawsuit to cancel the deed of minutes of auction. In addition, if there is no clarity regarding who is actually authorized to make the auction minutes deed, then the parties involved in the auction transaction, such as sellers, buyers, and creditors, will experience legal uncertainty which may negatively affect the validity of their transactions (Radbruch, 2006, p. 2). In addition to having an impact on legal certainty, this norm conflict also has an impact on the efficiency of government administration. If there are two conflicting regulations regarding the authority of certain officials, then government administration becomes ineffective because unclear authority can hamper legal and bureaucratic processes. In this case, inconsistent regulations can also hamper investment and business transactions involving the auction process, because business actors will be more cautious in using a deed of auction minutes whose legal status is still debated.

To overcome this problem, regulatory harmonization between UUJN and PMK No. 189/PMK.06/2017 is required. One solution that can be proposed is a revision to the existing regulations to provide clarity regarding the limits of notary authority in making a deed of auction minutes. For example, the government can clarify in the regulation that notaries can only make a deed of auction minutes if they have been appointed as class II auction officials, so that there is no overlap of authority. Another alternative is to adopt a cooperation mechanism between notaries and auction officials, where auction officials still have the main authority in the auction process, while notaries act as parties who certify related documents to increase legal certainty. In an academic context, the study of norm conflicts in laws and regulations is also relevant in developing the theory of legal certainty and the theory of authority in administrative law. The incompatibility of regulations reflects weaknesses in the process of law formation which should prioritize the principles of conformity, clarity, and integration in the national legal system. Therefore, this research is not only important to provide practical recommendations for legal actors, but can also serve as an academic basis for the development of a more organized and harmonious legal system in Indonesia.



Legal Implication of Unclear Authority in Making Deed of Minutes of Auction

Uncertainty regarding the authority to make a deed of minutes of auction between notaries and auction officials can have significant legal implications for the parties involved in auction transactions. According to Article 15 paragraph (2) letter g of Law Number 2 Year 2014 on Notary Position (UUJN), notaries are authorized to make deeds of auction minutes. However, other regulations such as the *Vendu Reglement* and Minister of Finance Regulation (PMK) No. 189/PMK.06/2017 stipulate that the authority lies with the auction official. This regulatory disharmony can lead to legal uncertainty in auction practices (Al Qindy, 2021, p. 356). In the context of legal certainty theory, uncertainty regarding the authority to make a deed of minutes of auction can result in the deed being considered invalid or null and void. This happens because a deed made by an unauthorized official does not meet the requirements as an authentic deed that has perfect evidentiary power (Purnayasa, 2019, p. 403). As a result, the parties involved in the auction transaction, such as sellers and buyers, may suffer legal and financial losses. For example, if the auction minutes deed is declared invalid, the buyer may lose the right to the auction object, while the seller may have to return the payment received.

The potential for legal disputes also increases due to this uncertainty. An aggrieved party may file a lawsuit to invalidate the auction minutes or seek damages. Such disputes not only burden the judicial system, but also incur additional costs and delay the completion of the transaction. In addition, the reputation of the notary or auction official involved may be negatively affected, which in turn may affect public confidence in the profession. From the perspective of normative juridical research methods, analysis of the applicable laws and regulations shows that harmonization between the UUJN and auction-related regulations is needed. Previous research has shown that notaries who are not class II auction officials are not authorized to make deeds of auction minutes, and the deeds they make can be considered null and void (I Made Ananda Kresna Aditya & Putu Edgar Tanaya, 2022, p. 921). Therefore, revisions to the UUJN or other relevant regulations are needed to remove this ambiguity.

Other legal implications include potential violations of the professional code of ethics for notaries who make deeds of auction minutes without valid authority. Notaries who violate this provision may be subject to administrative or even criminal sanctions, depending on the level of offense. In addition, clients who feel aggrieved by the notary's actions may file a claim for damages, which could be detrimental to the notary's career



and reputation. To mitigate such risks, notaries who wish to make a deed of auction minutes must ensure that they are qualified as class II auction officials in accordance with applicable regulations. This step not only protects the notary from potential sanctions, but also ensures that the deed created has legitimate and recognized legal force. In addition, harmonization of regulations between UUJN and PMK No. 189/PMK.06/2017 needs to be done to eliminate any ambiguity and ensure legal certainty for all parties involved in the auction process (Sianturi, 2008, p. 34).

Overall, the lack of clarity on the authority to make a deed of auction minutes can have serious legal implications, including void deeds, increased legal disputes, and sanctions for notaries. Therefore, it is important for legal practitioners and policymakers to immediately address this uncertainty through revision and harmonization of existing regulations, in order to ensure legal certainty and protection for all parties involved in auction transactions.

Recommendations and Harmonization of Regulations for Legal Certainty

The misalignment between Law No. 2/2014 on Notary Position (UUJN) and Minister of Finance Regulation (PMK) No. 189/PMK.06/2017 on the authority to make a deed of auction minutes has caused significant legal uncertainty (Surahmin, 2012). Article 15 paragraph (2) letter g of UUJN authorizes notaries to make a deed of auction minutes, while PMK No. 189/PMK.06/2017 stipulates that class II auction officials have such authority. This disharmony may lead to confusion in practice and potential legal disputes. The misalignment between Law No. 2/2014 on Notary Position (UUJN) and Minister of Finance Regulation (PMK) No. 189/PMK.06/2017 on the authority to make a deed of auction minutes has caused significant legal uncertainty. Article 15 paragraph (2) letter g of UUJN authorizes notaries to make a deed of auction minutes, while PMK No. 189/PMK.06/2017 stipulates that class II auction officials have such authority. This disharmony may lead to confusion in practice and potential legal disputes.

To resolve this norm conflict, the first step that can be taken is to harmonize the laws and regulations. This can be done through a revision of the UUJN to clarify the limitations of notary authority in making a deed of auction minutes. For example, the UUJN can add a provision stating that notaries are only authorized to make a deed of auction minutes if they have been appointed as class II auction officials in accordance with applicable laws and regulations (Maskanah et al., 2024, p. 291). This approach will reduce ambiguity and ensure that the authority to make deeds of minutes



of auction is only given to qualified officials. In addition, increased coordination between relevant agencies is essential (Anggara et al., 2022, p. 348). The Ministry of Law and Human Rights as the supervisor of notaries and the Ministry of Finance as the supervisor of auction officials need to work together in drafting joint guidelines that clarify the procedures and requirements for notaries who wish to concurrently serve as class II auction officials. These guidelines should cover aspects such as training, certification, and supervision mechanisms to ensure that notaries who double as auction officials have the necessary competencies and adhere to established professional standards.

Continuing education and training for notaries is also an important step in the regulatory harmonization effort. By attending appropriate training programs, notaries can better understand their roles and responsibilities in the preparation of auction minutes deeds, as well as ensure that they comply with all applicable regulations. In addition, these training programs may include the latest regulatory updates, case studies, and discussions on best practices in auction deeds (Mochamad Januar Rizki, 2024). The drafting of a special law regulating auctions can also be a long-term solution to overcome this norm conflict. The law can comprehensively regulate the auction procedure, the authority of the officials involved, and the supervision mechanism. With a special law, it is expected that there will be no more overlapping authority between notaries and auction officials, so that legal certainty can be realized. This step will also provide a strong legal foundation for auction practices in Indonesia and increase public confidence in the auction process.

Strengthening supervision and law enforcement mechanisms is also needed to ensure that notaries and auction officials carry out their duties in accordance with applicable regulations. The Notary Supervisory Council and relevant agencies must be active in conducting supervision and imposing strict sanctions on violations of the law. Effective supervision will prevent abuse of authority and ensure that the deed of auction minutes made has legal validity. In addition, strict supervision will improve the professionalism of notaries and auction officials, and protect the interests of the public involved in the auction process. By implementing these steps, it is hoped that the conflict of norms between UUJN and national auction regulations can be resolved, thus creating legal certainty in the authority to make a deed of minutes of auction. This legal certainty will provide protection for the parties involved in auction transactions and increase public confidence in the legal system in Indonesia. In addition, regulatory harmonization will encourage more transparent, efficient, and accountable



auction practices, which will ultimately contribute to national economic growth.

CONCLUSION

This study concludes that the inconsistency between Article 15 paragraph (2) letter g of the Notary Position Law (UUJN) and the Minister of Finance Regulation No. 189/PMK.06/2017 has created legal uncertainty regarding the authority to draft auction minutes. The overlapping mandates between notaries and class II auction officials increase the risk of legal disputes, particularly concerning the validity of deeds issued by notaries who are not formally appointed as auction officials. From the perspective of Legal Certainty Theory, such regulatory ambiguity undermines predictability and may negatively impact public reliance on auction documents. Meanwhile, based on the Theory of Authority in administrative law, the legitimacy of official acts must rest on a clear legal basis to avoid abuse or misapplication. Therefore, regulatory harmonization is essential—either through revision of the UUJN to better define the scope of notary authority, or by adjusting the PMK to prevent contradiction with higher legal norms. This harmonization effort should be supported by inter-agency coordination between the Ministry of Law and Human Rights and the Ministry of Finance. Additionally, continuous legal training for notaries and a strengthened supervisory mechanism are necessary to prevent misuse of authority. These steps are expected to reduce legal uncertainty, enhance transparency in auction procedures, and ensure better legal protection for all parties involved.

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