

# **Implementation of The Obligation To Provide Free Notarial Services For Underprivate People In Malang**

**Arsy Azuhra<sup>1\*</sup>, Istislam<sup>1</sup>, R. Imam Rahmat Sjafi<sup>1</sup>**

<sup>1</sup>Faculty of Law, Brawijaya University Malang, Indonesia

\*Corresponding Author Email: [arsyazuhraa@gmail.com](mailto:arsyazuhraa@gmail.com)

**Article History: Received: November 16, 2025; Accepted: January 11, 2026**

## **ABSTRACT**

The implementation of the obligation to provide free notarial services in Malang City has not been effective as mandated in Article 37 paragraph (1) of Law Number 2 of 2014 concerning the Notary Position (UUJN). The provisions that emphasize the obligation of notaries to provide free legal services to the underprivileged have not been fully implemented due to the absence of implementing regulations governing the mechanism, recipient criteria, and supervision procedures. The results of the study indicate that most notaries only provide pro bono services to clients whose economic conditions are known, so that implementation is subjective, sporadic, and non-standardized. The main obstacles in its implementation are divided into three aspects, namely structural, normative, and sociological. From the structural side, the lack of public knowledge and the absence of technical guidelines are the main obstacles. From the normative aspect, there is no clear definition regarding the criteria for "underprivileged people" and the types of deeds included in the obligation for free services. Meanwhile, from the sociological aspect, the low level of social awareness and professionalism of notaries also worsens the effectiveness of implementation. This disharmony between legal ideals and empirical reality hinders the realization of the principles of certainty, benefit, and justice in notarial services. Therefore, comprehensive implementing regulations are needed from the Ministry of Law and Human Rights and the Indonesian Notaries Association to ensure the effective, accountable, and equitable implementation of pro bono notarial obligations across the region.

**Keywords:** Notary, Free Services, Pro Bono, Law Enforcement, Access to Justice.

## **1. INTRODUCTION**

In social life, humans interact with each other, this interaction leads to the formation of an agreement to provide legal certainty in legal services, especially civil matters involving notaries (Mirzajanovna, 2024). The Notary profession is a special profession that stands alongside other noble professions. The uniqueness of this profession lies in the fact that it functions as a service to humans or society (Stichweh, 1997). Although individuals who carry out this profession rely on their livelihood from this work, the essence of this profession demands that the primary motivation is not to earn a living, but to provide services to others. Based on Article 1 number 1 of Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Position of Notary, hereinafter referred to as UUJN. Notaries are public officials who are authorized to make authentic deeds and have other authorities as referred to in this Law or based on other laws (Adjie, 2008).

The profession of notary exists and is expected to exist by law to provide assistance and services to the public who require authentic written documents related to circumstances, events, or legal actions (Prokić, 2011). Therefore, the existence of notaries is not only intended for the notary's own personal interests or simply granting authority, but also because of the needs of society and the interests of the state. Authentic deeds prepared by notaries are documents that can only be prepared by notaries and cannot be prepared by other public officials, so the responsibility they bear is very large. Therefore, notaries are expected to carry out their duties properly and professionally. The notary profession is a legal profession that must act professionally in carrying out its duties, in accordance with the standards set out in the UUJN, namely to provide the best service to the public (Nurjanah & Sunardi, 2024). Notaries are always expected to carry out social functions, have responsibilities, and uphold integrity and good morals, as well as maintain the honor and dignity of their position (Chandra & Purwanto, 2024).

Based on the provisions of Article 37 paragraph (1) of Law Number 2 of 2014 concerning the Position of Notary which states "Notaries are required to provide free legal services in the field of notary to people who are unable to afford it", notaries have a normative obligation to provide pro-bono notary services without compensation to people who are economically disadvantaged (Di Federico, 2019). Then, in Article 37 paragraph (2) of the UUJN it states that "notaries who violate the provisions as referred to in paragraph (1) may be subject to sanctions in the form of verbal warnings, written warnings, temporary dismissal, honorable or dishonorable dismissal" (IRIANTORO & SHAFIRA, 2024). These sanctions aim to enforce the accountability of notaries in carrying out their legal functions. Conceptually, the position of notary is a strategic profession in the Indonesian legal system, which plays a role as a legal instrument in resolving legal issues in the field of notary. Notaries not only act as officials who make authentic deeds, but also function as facilitators of justice who guarantee legal certainty for all levels of society, including economically vulnerable groups. Thus, the existence of notaries is not limited to commercial aspects, but also includes social responsibility in fulfilling the constitutional rights of the community to access to justice (Aprilia, 2024).

Legal services provided by notaries play a crucial role and are an essential need for all levels of society without exception. Those with financial means have relatively easy access to notarial services by paying an honorarium in accordance with the established rates set by the notary public. Conversely, for those classified as economically disadvantaged, the high cost of the honorarium often presents a significant barrier preventing them from obtaining the legal services



they require. This situation reflects economic disparities that directly impact the accessibility and delivery of notarial services. This inequality not only creates social disparities but also has the potential to undermine the principles of justice and equity in the legal system, as the less fortunate do not enjoy the same legal protection as the more affluent. Therefore, mechanisms or policies are needed to guarantee the provision of free or pro bono legal services for the less fortunate, so that the right to access justice can be fulfilled equitably and fairly (Rhode, 2003).

The obligation to provide free notarial services is explicitly regulated in legislation, but it is not yet clear what services notaries can provide free of charge to the underprivileged, and what criteria are in place for those eligible to receive these free notarial services. This gap between established regulations and actual practice presents challenges in ensuring equitable access to justice for all levels of society. Therefore, an in-depth and comprehensive study of the implementation of the obligation to provide free notarial services is urgently needed. This research will examine the normative aspects governing this obligation, as well as its implementation in practice (Iman et al., 2024).

## **2. RESEARCH METHODS**

The research method used is Socio-Legal Research. The approach used in this study is carried out using the Sociological Juridical Approach, also known as field research, which is a study of applicable legal provisions and what the reality is like in social society. The types and sources of data are Primary Legal Data and Secondary Legal Data. Data collection in this study is carried out through interviews, literature studies, and document studies. The researcher will use the Purposive Sampling technique. Using qualitative descriptive techniques is a technique that produces descriptive data, in written or oral form, about the people or behaviors being studied.

## **3. RESULTS AND DISCUSSION**

### **Implementation of the Obligation to Provide Free Legal Services to the Underprivileged by Notaries in Malang City**

According to Habib Adjie, a Notary is a public office with the characteristics of a position, meaning that the UUJN is a unification in the field of regulating the position of Notary. This means that the only legal regulation in the form of a law that regulates the position of Notary in Indonesia. Therefore, all matters relating to Notaries in Indonesia must refer to the Notary Law (UUJN). The position of Notary is an institution created by the state. As a position, Notary is a field of work or a



task that is deliberately created by legal regulations for specific purposes and functions and is continuous as a permanent work environment (Yunita & Sulistyarini, 2025). According to the Amendment to the Notary Code of Ethics of the Extraordinary Congress of the Indonesian Notary Association Banten, 29–30 May 2015 Article 11 number (2), the Notary Code of Ethics and hereinafter referred to as the Code of Ethics is a moral rule determined by the Indonesian Notary Association Association hereinafter referred to as the “Association” based on the decision of the Association Congress and/or which is determined by and regulated in the laws and regulations governing this matter and which applies to and must be obeyed by each and all members of the Association and all persons who carry out the duties of a Notary, including Temporary Notary Officials and Substitute Notaries when carrying out their duties. The Code of Ethics also explains the definition of a Notary as contained in Article 1 number (4), namely: “A Notary is any person who holds and carries out the duties of a public official, as referred to in the Notary Law.

Article 1 number (1) of the Republic of Indonesia Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary states the definition of Notary, namely: “A Notary is a public official who is authorized to make authentic deeds and has other authorities as referred to in this law or based on other laws”. Notary is a public office with the following characteristics:

1. As a position;
2. Notaries have certain powers;
3. Appointed and dismissed by the government, even though notaries are administratively appointed and dismissed by the government, this does not mean that notaries are subordinate to the government that appointed them. Therefore, notaries carry out their duties autonomously, impartially, and independently.
4. Not receiving a salary or pension from the person who appointed him; and
5. Accountability for his work to the community.

The UUJN stipulates that notaries, as professional public officials, are required to continually improve their quality, including their knowledge, morals, and social standing. They must also uphold the dignity of notaries, ensuring that they consistently adhere to the UUJN and the Code of Professional Ethics in providing services to the public. To be able to practice their profession in accordance with the demands of professional ethics, notaries must possess three moral principles:



1. They must be people who are not swayed from the truth by any kind of feeling: fear, laziness, shame, emotion, and so on. This means that a notary must have a strong moral character.
2. We must be aware that maintaining the demands of professional ethics is a heavy obligation.
3. Must have idealism.

Notaries, as public officials, have exceptional authority. Categorizing notaries as public officials, in this case, means "public" in the legal sense, not "public" as the general public. Notaries as public officials are not the same as public officials in the government sector, who are categorized as state administrative bodies or officials. This distinction can be distinguished by the products of each public official. A public office can be granted to those whose duties serve the public interest in accordance with their authority. This applies not only to those in executive positions, but also to notaries.

Through an interpretation of the provisions of the Notary Law (UUJN), it can be concluded that a Notary can be held responsible for the material truth of a deed he/she has made if it turns out that the Notary does not provide access or explanation regarding certain legal provisions related to the deed he/she has made, so that one of the parties feels deceived due to his/her ignorance. Therefore, it is recommended that the Notary provide important legal information that the client should know as long as it is related to the legal problem being faced (Nurjanah & Sunardi, 2024). Furthermore, it should also be noted that the Notary also has the right to legal protection for himself/herself. If the Notary acts carelessly and not seriously in carrying out his/her duties, then this can lead him/her to actions for which the law requires him/her to be held accountable.

The code of ethics in the context of ethics is inappropriate if it is only understood as a set of regulations that emphasize the imposition of sanctions on notaries who violate them. There are four (4) basic reasons why professionals, including notaries, often ignore the code of ethics, namely as follows:

1. Influence of family traits

One characteristic of family ties is equal treatment and respect for family members, which is considered fair. However, treatment of people outside the family is often different. This attitude can influence the behavior of legal professionals, including notaries, who should treat all clients equally regardless of personal relationships. A professional notary should be able to distinguish between personal and professional matters. Family relationships may be



maintained outside the office, but they should not interfere with the performance of official duties within the office.

2. Influence of position

The influence of their position often leads notaries to act without regard for professional ethics. As public officials serving the public, notaries should treat all members of the public equally. However, due to the influence of their position, notaries sometimes treat certain clients more favorably than others. While this may seem humane, it indirectly creates unfair treatment and violates professional ethics.

3. The influence of consumerism

A materialistic lifestyle can negatively impact a notary's actions. Demands of a consumerist lifestyle, both from within themselves and their families, can push notaries to take steps that violate ethical codes in order to achieve satisfaction. The profession is often viewed solely as a means of profit, ignoring the inherent values of dedication and public service. For example, some notaries indirectly promote their practice to the public to attract as many clients as possible, or recommend the use of a deed even when the agreement does not actually require one, simply to expand their practice.

4. When a notary public considers their profession a business activity, they must understand that this noble profession differs from business activities. Economic law cannot be fully applied to the notarial profession, as this profession emphasizes moral responsibility, ethics, and service to the community, rather than simply seeking profit.

The implementation of the Notary's obligation to provide free legal services to the poor in Malang City is still relatively minimal, this is because in its implementation each Notary has a different interpretation of legal services that can be provided free of charge to the poor and in terms of supervision from the MPD (Regional Supervisory Board) regarding this obligation is still low. This MPD has also never received complaints or reports from the public and the MPD has never asked each Notary directly to implement the regulations in Article 37 UUJN. So based on this as the MPD also in the implementation of Article 37 paragraph (2) UUJN regarding sanctions if a Notary does not implement Article 37 paragraph (1) UUJN is not implemented. This can be seen from the results of the researcher's interviews with several informants, namely Notaries in Malang City.

Based on the results of the researcher's interview with the first source, namely, on June 3, 2025, at Jalan Kalpataru No.112 D, Jatimulyo, Lowokwaru District, Malang City, East Java,



Notary & PPAT Mrs. Shrimanti Indira Pratiwi, SH, M.Kn, that in the implementation of Article 37 of the UUJN which regulates that Notaries are required to provide free legal services in the field of notary to people who cannot afford it, until now in practice there have been no clients or appearers who have come to request the provision of free legal services in the field of notary. This is because in general the appearers who come have the intention of making a notarial deed related to the transfer of rights or obligations that have economic value or the emergence of profits from the making of the deed.

Most clients on the other hand or the appearers who come to meet the Notary request the making of deeds involving PPAT not as a Notary such as the making of land sale and purchase deeds, where the deed contains costs other than the services of a PPAT that must be paid by the appearers either as sellers or buyers with different values depending on the sale and purchase value of the land. The costs other than the services include, among others, the cost of Non-Income State Tax (PNBP), Income Tax (PPh) from the seller, BPHTB Tax from the buyer and others, which cannot be fully borne by the Notary or PPAT themselves.

During her tenure, clients who appeared before Shrimanti Indira Pratiwi as a Notary and PPAT were clients who were capable, meaning they were able to pay the honorarium determined by the Notary. However, another form of providing legal services in accordance with the regulations of Article 37 of the UUJN is in the form of a reduction in the honorarium or wages for Notary services which had previously been negotiated between the person appearing to the Notary in making the deed where the amount of the Notary's honorarium had been determined by the UUJN. So in practice, when there are clients who appear and do not request free legal services and the person appearing is classified as a capable person. Therefore, as a Notary, Mrs. Shrimanti Indira Pratiwi will provide fees in accordance with the regulatory limits determined in the UUJN and based on an agreement between Notaries in Malang City.

Based on the researcher's analysis of the implementation of the obligation to provide free legal services to the underprivileged by notaries in Malang City, in relation to Soerjono Soekanto's theory of legal effectiveness, a regulation can be said to be effective if it meets five factors. And in relation to the results above with these factors, the regulation can be said to be ineffective or not yet effective. This is because the five factors explained by Soerjono Soekanto are not met, namely:

1. Legal Factors Themselves (Laws)

From a legal perspective, Article 37 of the UUJN still requires interpretation or clarification regarding the legal services that notaries can provide to individuals with





disabilities. Each notary has a different interpretation of what legal services can be provided free of charge. The law serves as a means of justice, certainty, and benefit.

## 2. Facilities and Infrastructure Factors (Things that support law enforcement)

From a law enforcement perspective, there is still a lack of public awareness regarding the notary's obligations as stipulated in Article 37 by the supervisory board and the management of the Notary Association. The Notary Supervisory Board, as a supervisory body, does not have a standard for assessing whether a notary has fulfilled the obligations under Article 37, as there are no quantitative or qualitative measures that can be used as indicators of compliance. Furthermore, from a law-making perspective, a more in-depth explanation is still needed regarding the provisions of Article 37 of the Notary Law to avoid various interpretations from those implementing the law.

## 3. Law enforcement factors, namely the parties who form and implement the law

Judging from the facilities and infrastructure supporting the implementation of these obligations, they are not yet available in reality. This is because every legal act involving the services of a notary, including the preparation of a deed, will incur costs beyond the notary's own services, such as costs related to other institutions, such as income tax (PPh), non-tax state revenue (PNBP), and other expenses. These costs cannot be fully covered by the notary. On the one hand, the notary requires office costs and the costs of preparing the deed (paper, stamps, and other expenses).

## 4. Community Factors

Viewed from the societal factor, namely the community or the underprivileged. This is evident that underprivileged people are unaware of Article 37 of the UUDN which regulates the obligation of Notaries to provide free notarial legal services. Because based on the results of the interviews above, most clients who meet with the well-off know that when dealing with a Notary there will be a fee in it. In fact, there are underprivileged clients who need the services of a Notary and are unaware of the existence of this article. Therefore, in the process of making a deed (Deed of Sale and Purchase) the client as the seller has not met the Notary again to collect the Certificate because the client is looking for fees for the service.

## 5. Cultural Factors

Judging from cultural factors, it is inherent in society that every legal act that requires the services of a Notary will incur costs for the preparation of the deed. Because a Notary, seen from his appearance and office, requires costs for his operations and the community itself is



aware of this. Because Article 37 of the UUJN in the city of Malang is not yet effective, it does not provide legal certainty for those who cannot afford it. When linked to the Theory of Legal Certainty according to Humberto Avila, it states that "one of the meanings of legal certainty is that the article must provide equal or equal space for all parties to provide access to justice for everyone."

It can be seen that the wording of the Article has not provided equal space for people who are unable to obtain justice under the law. Because in reality there are regulations governing the provision of free notary legal services to people who are unable and those who are unable do not receive them. And from the Notary who is aware of the Article does not provide counseling to his clients regarding the existence of Article 37 of the UUJN. And from the MPD in supervision is still relatively low, this is based on the interview above as the MPD never asked the Notary whether he had provided free notary legal services to people who are unable. So from this matter the MPD cannot impose sanctions in accordance with Article 37 paragraph (2) of the UUJN if the Notary does not implement Article 37 paragraph (1) of the UUJN. Because the Notary himself does not provide counseling to the public regarding the existence of the Article.

### **Obstacles in the Implementation of the Obligation to Provide Free Legal Services to the Underprivileged in Malang City**

As a public official, a Notary is of course obliged to apply the principle of independence independently and is not permitted to be tied to other parties or certain institutions. The implementation of the Pro Bono legal services provision is an obligation for Notaries as mandated by Article 37 paragraph (1) of the UUJNP. The important point that needs to be emphasized is that the fee is only the Notary's service fee itself, as stated in the article "legal services in the notary field are free of charge." Costs outside of that, such as taxes and processing fees at other agencies, remain the responsibility of the client. In evaluating the effectiveness of the Pro Bono program in Malang Raya, the inhibiting factors are examined from two stakeholder perspectives, namely the Notary as the service provider and the underprivileged community as the beneficiary. When it is said to be "trustworthy", the Notary has the trust of the state to carry out his duties in accordance with the provisions of applicable laws. "Thoroughly" refers to the Notary's obligation to work carefully and cautiously in carrying out his duties. This shows that the Notary is obliged to carry out his duties according to applicable regulations seriously. In carrying out his duties and responsibilities as an independent official, a Notary must be supported by clear authority,



especially in dealing with the expansion of duties outside the main field of his position as stipulated in the UUJN.

When discussing notary independence, it is important to refer to the principles that underlie the notary's office. Therefore, any conflicts that arise between legal norms and these principles require careful consideration. Essentially, a statutory norm will not conflict with other legal norms or principles as long as it aligns with the principles contained in the Constitution and Pancasila. In carrying out their profession, notaries have a moral and legal obligation to provide quality legal services professionally and diligently, adhering to ethical principles and complying with laws and regulations. In the context of their obligation to provide free legal services to the underprivileged, notaries are required to maintain their integrity and independence to prevent abuse of authority or violations of the professional code of ethics. However, the implementation of this obligation is not without various obstacles in the field. Notaries often face a dilemma between the idealism of the profession to serve the public and the practical realities that demand efficiency in time, operational costs, and significant legal responsibilities. Therefore, the implementation of free legal services often encounters obstacles, both technically and administratively.

In addition to internal factors, obstacles also arise from the complexity of regulations and legal procedures that notaries must follow when providing legal services to the underprivileged. The process of providing free legal services cannot be simplified, as every notary's actions must still meet formal legal standards, from identity verification and document verification to compliance with applicable legal norms. In Malang City, these obstacles are further exacerbated by limited oversight mechanisms and the lack of an effective support system for identifying those eligible for legal assistance. This situation often results in notaries' social obligations being less than optimal, as the high administrative burden and professional responsibilities make some notaries hesitant to actively participate in free legal services. Furthermore, low levels of public legal awareness are an additional factor complicating the implementation of this obligation. Some underprivileged members of the public in Malang City do not yet understand their right to free notary legal services, resulting in minimal and poorly organized demand for these services. Furthermore, there are no regulations governing the provision of free legal services, either from the Notary Organization or the government. The absence of this regulation makes Article 37 paragraph (1) of the UUJN-P unenforceable and ineffective. This article is defined individually by each notary, so its implementation also varies. Therefore, further regulations are needed, which can be obtained by referring to the Legal Aid Law. Therefore, for those who are unable to afford to



request free legal services from a notary, they must bring application documents, identification, and a certificate of poverty from the authorities. However, the most essential benchmark is returned to the assessment of the notary as a noble profession. Therefore, these obstacles need to be addressed through policy improvements, increasing the professional capacity of notaries, and strengthening synergies between notary institutions, local governments, and legal aid institutions so that the provision of free legal services can truly function as a means of equalizing justice for the underprivileged.

Based on interviews conducted by researchers regarding the obstacles faced by notaries in providing free notarial legal services in Malang City, the researchers identified two obstacles for notaries:

1. Non-Legal Obstacles

a. Lack of demand from the poor

Several notaries stated that, in fact, clients who come to notary offices are predominantly from the economically well-off, resulting in almost no or very little demand for free notarial services. Notary Shrimanti Indira Pratiwi stated that clients generally come for high-value matters such as land sales, business establishments, or credit agreements, so clients who are truly poor and request free services are very rare. Similar sentiments were expressed by Notaries Alie Zainal Abidin and William Surya Putra Handoko, who stated that the majority of clients who come are economically well-off, so requests for pro bono services are almost never encountered.

b. Low legal awareness and information regarding notary pro bono obligations

The next non-legal obstacle is related to the low level of legal awareness of the community and the lack of information reaching the public regarding the obligation of notaries to provide free notarial services to those who cannot afford it. Notary Mr. Junjung Handoko Limantoro said that in one of his practical experiences, he once provided free notarial services to a land seller client who was economically disadvantaged, but the beneficiary did not realize that the services provided were an implementation of the provisions of Article 37 of the UUJN, but instead considered it merely a form of personal kindness from the notary.

c. Psychological and cultural factors include feelings of embarrassment and the “exclusive” image of notary offices.

In addition to legal awareness factors, there are also non-legal barriers of a psychological and cultural nature, namely the feeling of embarrassment, discomfort, and social distance felt by the underprivileged when dealing with notary institutions. According to Notary Mrs. Ita Kristiana, many people who are actually economically disadvantaged, but feel uncomfortable, embarrassed, or lack the confidence to come to a notary's office and openly say that they want to request free notary services, because notary offices have always been perceived as official, formal, authoritative, and tend to be exclusive places.

d. Subjective assessment in determining “poor people”

Another non-legal barrier is evident in the way notaries assess who can be categorized as “underprivileged” when there are no clear guidelines. Notary Erna Erawati said that in her practice, she was once approached by a client who verbally requested free notarial services, but because the client's outward appearance appeared neat and seemed to reflect a fairly good economic condition, the request for free services was not granted.<sup>80</sup> This shows that in the absence of official criteria, assessments of a client's economic capacity are often based on highly subjective indicators, such as dress, speaking style, or first impressions during interactions.

e. Economic limitations and operational burdens of notary offices

From the internal side of the profession, non-legal obstacles also arise from the limited economic capacity of notaries themselves to cover office operational costs, especially when providing pro bono services is done repeatedly and in complex cases. Notary Adhistyra Wulandari emphasized that notaries are public officials who do not receive salaries, subsidies, or allowances from the government, so that all office operational costs, starting from paying employee salaries, office rent, electricity costs, office equipment, to administrative management, are entirely dependent on the service fees (honorarium) received from clients.

f. Reliance on personal networks and recommendations

Based on interviews, information from Notary Dimitri Danang Sawitrawan indicates that in practice, public access to free notarial services often relies heavily on personal networks, social connections, or recommendations from third parties. According to him, without a standardized identification and referral system, recipients of pro bono services often come from those with connections to fellow notaries or those who happen to be connected to the notary profession.

g. Low institutional support and coordination between agencies

No less significant non-legal obstacles are the low level of institutional support and the lack of coordination between relevant agencies. Notary Junjung Handoko Limantoro, in his capacity as Chair of the Malang City Regional Supervisory Council (MPD), stated: that there is no report from public regarding the practice of providing pro bono services by notaries, and at the same time there are no active monitoring efforts from the MPD regarding the implementation of the obligations of Article 37 UUJN-P.86. The absence of reporting, monitoring, or evaluation mechanisms means that the implementation of pro bono obligations is carried out individually, uncoordinated, and its effectiveness is difficult to measure..

## 2. Legal Obstacles

### a. The absence of detailed and operational implementing regulations

From a positive law perspective, the most fundamental legal obstacle is the lack of implementing regulations that specifically, clearly, and operationally regulate the mechanism for providing pro bono notarial services. The speakers, such as Notary Rika Mandasari, Cliffordkkertidak Erikson Kwandang, and Ichsan Panji Karunia, agreed that although the Notary Law (UUJN) and the Notary Code of Ethics contain general principles regarding the social obligations of notaries, both instruments do not provide concrete guidance regarding the form, procedures, types of services, or limitations of providing pro bono services.

### b. There is no standardized, standardized criteria for “poor people”

The next legal obstacle relates to the lack of standardized criteria for who constitutes a "disadvantaged person" in the context of receiving pro bono notarial services. Several sources, such as Notaries Erna Erawati, Adhistyra Wulandari, Erma Kartika, Clifford Erikson Kwandang, and Ichsan Panji Karunia, consistently stated that the applicable laws and regulations do not provide a clear definition and measurable parameters for who qualifies as disadvantaged for the purposes of providing pro bono services.

### c. The absence of clear standard operating procedures (SOPs) and administrative mechanisms

In addition to the lack of criteria, the speakers also highlighted the lack of clear standard operating procedures (SOPs) and administrative mechanisms related to the application, verification, and provision of pro bono services. Notaries Alie Zainal Abidin and William Surya Putra Handoko explained that, to date, there are no explicit provisions governing who is entitled to receive free services, how to submit applications, what documents must be included, and the extent to which notaries can waive fees.

### d. Limited scope of Free services due to costs at other agencies

Notary Alie Zainal Abidin revealed another legal obstacle of a structural nature, namely that although notaries can waive service fees for the preparation of certain deeds, for example, deeds of adoption, clients still have to bear the costs at other institutions, such as the District Court or other related institutions, so that the intended rights can be fully obtained. This shows that systematically, fee waivers at the notary level do not automatically guarantee full access to justice, because the series of legal processes that must be followed by clients involve several institutions, each of which imposes levies or fees.

e. The absence of monitoring, reporting and sanction mechanisms

A further legal obstacle relates to the absence of a monitoring, reporting, or sanction mechanism specifically governing the implementation of the obligation to provide free notarial services. As Notary Junjung Handoko Limantoro stated, during his tenure as Chair of the Regional Supervisory Council, there were no public complaints regarding notaries' compliance or non-compliance with Article 37 of the UUJN, and there was also no active monitoring or specific audit by the MPD regarding this matter.

#### **4. CONCLUSION**

The implementation of the obligation to provide free notarial services in Malang City in general has not been running effectively as mandated in Article 37 paragraph (1) of Law Number 2 of 2014 concerning the Position of Notary (UUJN) which states that "Notaries are obliged to provide free legal services in the field of notary to people who cannot afford it." Based on the results of field research, most notaries who provide notarial services without compensation are to clients whose economic conditions are already known and whose implementation is known personally, so that the implementation is still subjective and not standardized. This shows that the norm of social obligations of notaries which is imperative in Article 37 of UUJN does not yet have full enforcement power because it is not followed by implementing regulations that explain the procedures, criteria for recipients, and mechanisms for monitoring its implementation. This condition creates an imbalance between the normative aspect and empirical reality, where obligations that should be mandatory actually depend on the personal judgment of each notary. Therefore, it can be said that the absence of a standard mechanism and technical guidelines from the Ministry of Law and Human Rights or the Indonesian Notaries Association (INI) is one of the structural factors that causes the implementation of pro bono notary obligations in Malang City to not be carried out effectively, accountably, and evenly.





Obstacles to the implementation of the obligation to provide free notarial services in Malang City are divided into three main aspects: structural, normative, and sociological. Structurally, many people are not yet aware of the pro bono notary obligations as stipulated in Article 37 paragraph (1) of the UUJN, resulting in low levels of beneficiary participation. The absence of implementing regulations from the Ministry of Law and Human Rights results in implementation lacking clear technical guidelines, regarding mechanisms, types of deeds, and verification of service recipients. As a result, implementation depends on the policies of each notary and is sporadic. Normatively, there is no clear definition of the criteria for “indigent persons,” resulting in notaries interpreting it differently—some based on client recognition, others requiring a SKTM (Legal Aid Certificate). This lack of clarity creates inconsistencies in the application of the principle of justice as guaranteed by the 1945 Constitution and the Legal Aid Law. Furthermore, there is no clarity regarding the types of deeds that must be provided free of charge. Overall, these obstacles reflect the gap between the ideals of the law and the reality of implementation, which hinders the achievement of the goals of the law: certainty, benefit and justice in notarial services.

## REFERENCES

- Adjie, H. (2008). Civil and Administrative Sanctions against Notaries as public officials. *Refika Aditama, Bandung*.
- Aprilia, E. (2024). Legal Responsibility of the Regional Supervisory Council of Notaries for Sanctioning a Written Reprimand to a Notary Contrary to the Norms of Article 53 Paragraph (2) of the Law on State Administrative Courts. *Journal of Law, Politic and Humanities*, 5(1), 233–241.
- Chandra, I. G. A. W., & Purwanto, I. W. N. (2024). The Role And Responsibilities of A Notary In Public Services Based on Professional Ethic Morals and Law. *Journal of Law, Politic and Humanities*, 4(6), 1937–1945.
- Di Federico, G. (2019). The Potential of Article 4 (2) TEU in the Solution of Constitutional Clashes Based on Alleged Violations of National Identity and the Quest for Adequate (Judicial) Standards. *European Public Law*, 25(3).
- Iman, Z. B., Ruslijanto, P. A., & Jauharoh, A. (2024). The Urgency of Regulating the Measure of Violation in Terms of Sanctioning Notary. *NEGREI: Academic Journal of Law and Governance*, 4(2), 203–222.
- IRIANTORO, A., & SHAFIRA, C. N. (2024). Study of Misapplication on the Law by the Notary Regional Supervisory Council in Imposing Sanctions on Notaries Who Make Deeds. *Journal of Political And Legal Sovereignty*, 2(2), 227–234.





- Mirzajanovna, K. M. (2024). The importance of notarial activity in protecting the rights of individuals and legal entities. *The American Journal of Political Science Law and Criminology*, 6(03), 51–56.
- Nurjanah, N., & Sunardi, S. (2024). The Role And Responsibilities of A Notary In Providing Legal Understanding To The Public In Relation To The Preparation of Notarial Deeds (Study At A Notary Office In Malang). *International Significance of Notary*, 6(1), 122–132.
- Prokić, M. T. (2011). Legal basis of notary public services. *International Journal of Economics & Law*, 1(3), 140–155.
- Rhode, D. L. (2003). Access to justice: Connecting principles to practice. *Geo. J. Legal Ethics*, 17, 369.
- Stichweh, R. (1997). Professions in modern society. *International Review of Sociology*, 7(1), 95–102.
- Yunita, R. T., & Sulistyarini, R. (2025). Effectiveness of Providing Free Legal Services By Notaries In North Lombok Regency. *International Journal of Islamic Education, Research and Multiculturalism (IJIERM)*, 7(2), 524–542.

