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Analysis of Notary Lawsuits Concerning Unlawful Acts Committed by the Regional Notary Supervisory Board (MPDN)

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Abstract

The purpose of this article is to discuss and analyze a notary's lawsuit concerning unlawful acts committed by the Regional Notary Supervisory Council (MPDN), particularly the MPDN in the jurisdiction of Aceh Besar Regency. The lawsuit was filed with the Banda Aceh District Court, even though the notary as the plaintiff is domiciled in Aceh Besar Regency and the MPDN as the defendant is also based in

Aceh Besar Regency. Furthermore, the MPDN named as the defendant is not merely the MPDN as an institution or as part of an institution, but rather the individual members of the MPDN. Therefore, it is considered interesting and necessary to discuss and analyze in depth the notary's lawsuit concerning the unlawful acts committed by the MPDN of Aceh Besar Regency.

Keywords: Notary as Plaintiff, Unlawful Acts, Regional Notary Supervisory Council

Introduction

As is known, a notary is a public official authorized to create authentic deeds, which serve as evidence or proof of a specific legal act between parties. Notaries are tasked with serving and fulfilling the public's interests, particularly in the field of civil law, by creating written evidence with absolute evidentiary force. Because a notary's role is to assist and serve the public in creating written evidence, the performance of their duties is regulated by law. Therefore, a notary is considered a person practicing the noble legal profession (*nobile officium*).¹

A notarial deed, or one created by a notary, can have consequences for rights and obligations and can even determine a person's property status. However, errors in the deed's preparation can sometimes have serious consequences, such as revocation of rights or increased liability. To mitigate these consequences, notaries must comply with and comply with laws, including Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notary. (Notary Position Law, abbreviated as UUJN),² especially to maintain professionalism and integrity as a public official.

The position of notary is a public office because they are appointed and dismissed by the government, but they do not receive a salary from the government.³ The position of notary was created out of a genuine need for the public, so a notary is not a deliberately created or created position.⁴ Supervision and guidance of notaries are carried out by the state, in this case by the Minister of Law. In its implementation, the Minister of Law delegates its duties and authority to a panel called the Notary Supervisory Council (MPN). The MPN itself consists of the Central Notary Supervisory Council (MPPN), the Regional Notary

¹ Suhaimi, Nurdin MH, Enzus Tinianus, Pengaruh Kevakuman Jabatan Majelis Pengawas Wilayah Notaris Terhadap Efektivitas Pembinaan dan Pengawasan Notaris di Aceh, *Jurnal Ius Civile*, Volume 7(2), 2023, pp. 27-45.

² Abdul Ghofur Anshori, *Perspektif Hukum dan Etika, Lembaga Kenotariatan Indonesia*, UII Press: Yogyakarta, 2009, hlm. 46.

³ Heriyanti, Perlindungan Hukum terhadap Notaris yang Terindikasi Tindak Pidana Pembuatan Akta Otentik. *Yustisia*, 5(2), 2016.

⁴ Afifah, K., Tanggung Jawab dan Perlindungan Hukum bagi Notaris Secara Perdata terhadap Akta yang Dibuatnya. *Lex Renaissance*, Vol. 2(1), 2017.

Supervisory Council (MPWN), and the Regional Notary Supervisory Council (MPDN).⁵

In providing guidance and supervision to notaries, the MPDN plays a crucial role, as it has the authority to guide and supervise notaries within their respective districts. The MPDN was established to ensure that notaries carry out their duties in accordance with laws and regulations (especially the UUJN) and the notary code of ethics. The MPDN's duties, if detailed in more detail, include:

- a. Oversee the implementation of the Notary Law (UUJN) and its implementing regulations within the scope of their duties.
- b. Examine and provide opinions on notarial deeds that will be sent to the Ministry of Law for minutes.
- c. Supervise and examine notarial protocol books and documents.
- d. Handle and resolve objections or complaints regarding notary performance.
- e. Provide advice and considerations to notaries in carrying out their duties.⁶

The MPDN has a significant role in supervising Notaries, as is the case with the MPDN of Aceh Besar Regency. However, Notary compliance with applicable regulations remains a challenge or problem for the MPDN of Aceh Besar Regency. Despite these challenges, there are several notaries who have taken firm action by the MPDN of Aceh Besar Regency, especially if there are public complaints and notary actions that are suspected of violating laws and regulations including the UUJN and the Notary Code of Ethics and have caused losses to the reporting party. One of them is Notary AW who was reported for having accommodated a joint meeting regarding the appointment of the MIM Langsa Foundation advisors, on January 6, 2025, as stated in the minutes of Deed Number 04. According to the attorney RS & Rekan, the Joint Meeting regarding the appointment of the MIM Langsa Foundation advisors, on January 6, 2025, is suspected of being irregular because the appointment of advisors should be carried out if there is a vacancy for the advisors. Meanwhile, at the MIM Langsa Foundation, the advisors are still complete, numbering 4 people, so there is no need to add advisors. Furthermore, the meeting was held without a quorum as stipulated in the Articles of Association. Therefore, the meeting violated the foundation's internal regulations and was in conflict with the applicable articles of association.⁷

Although the Aceh Besar Regency MPDN summoned and questioned notary AW following a complaint filed by RS & Rekan's attorney, notary AW maintained his innocence (not violating any laws and regulations, the UUJN, and the Notary Code of Ethics). According to Notary AW, his actions as a notary were in accordance with laws and regulations, the UUJN, and the Notary Code of Ethics. Furthermore, notary AW argued that the MPDN was the one who wrongly summoned and questioned him as a

professional notary. Notary AW further challenged the action taken against him by the Aceh Besar Regency MPDN, which constituted an unlawful act (PMH). Therefore, notary AW sued the MPDN in the Banda Aceh District Court, claiming PMH.

Based on the description above, it would be interesting to discuss and analyze in depth the PMH carried out by the MPDN of Aceh Besar Regency.

Research Methods

This research is a normative legal study, a type of research that focuses on the analysis and interpretation of law as a norm applicable in society. This research aims to understand, explain, and examine law from a normative perspective.⁸ Furthermore, normative legal research aims to provide a deeper understanding of law and how it can be effectively applied.⁹

Therefore, this study will normatively analyze the lawsuit filed by a notary against MPDN (National Development Planning Agency). This will determine whether the lawsuit filed by Notary AW against MPDN of Aceh Besar Regency was appropriate. The primary data sources in this study are Notary AW's lawsuit against MPDN of Aceh Besar Regency and the results of MPDN's examination of Notary AW. Secondary data were obtained from library research. Interviews were also conducted with relevant sources. This was intended to strengthen and sharpen the analysis of the problems that arise in practice when a Notary sues MPDN based on the claim that MPDN has committed an unlawful act (PMH).

Result and Discussion

Before analyzing the case, it would be helpful to first outline the underlying issues.

- a. The underlying issues or case that led to the MPDN of Aceh Besar Regency being sued by AW, a Notary in Aceh Besar Regency, with a PMH lawsuit at the Banda Aceh District Court are as follows:
 - b. a. On January 22, 2025, Advocate RS & Rekan sent a Complaint Letter to the MPDN of Aceh Besar Regency, acting on behalf of Mrs. Dra. Muslihah IT and Mrs. Dra. Zuhrah IT (Complainants) regarding alleged violations of the code of ethics and misconduct in the performance of the Notary's duties by Notary AW (Reported) in Aceh Besar.¹⁰
 - b. The alleged violation of the Notary's code of ethics arose because Notary AW was known to have facilitated a joint meeting on the appointment of the MIM Langsa Foundation's advisors on January 6, 2025, as stated in the minutes of Deed Number 04. This meeting violated the foundation's internal regulations and contradicted the applicable articles of association.¹¹
 - d. According to RS & Rekan's attorney, the joint meeting on January 6, 2025, concerning the appointment of the

⁵ Pasal 67 Undang-Undang No. 2 Tahun 2014 tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris.

⁶ Pasal 94 sampai Pasal 96 Undang-Undang No. 2 Tahun 2014 tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris.

⁷ harianrakyataceh.com, Akomodir Rapat Yayasan MIM Langsa yang Diduga Langgar Anggaran Dasar Notaris di Aceh Besar Dilaporkan ke MPD, 5 Februari 2025.

⁸ Soerjono Soekanto, *Metode Penelitian Hukum*, UI Press, Jakarta, 1986.

⁹ Marzuki, P.M., *Penelitian Hukum*, Kencana, Jakarta, 2017.

¹⁰ harianrakyataceh.com, Akomodir Rapat Yayasan MIM Langsa yang Diduga Langgar Anggaran Dasar Notaris di Aceh Besar Dilaporkan ke MPD, 5 Februari 2025.

¹¹ harianrakyataceh.com, Akomodir Rapat Yayasan MIM Langsa yang Diduga Langgar Anggaran Dasar Notaris di Aceh Besar Dilaporkan ke MPD, 5 Februari 2025.

MIM Langsa Foundation's advisors, was allegedly irregular. The appointment of advisors should have been made if there was a vacancy. Meanwhile, at the MIM Langsa Foundation, the advisory board was still complete, consisting of four members, so there was no need for additional advisors. Furthermore, the meeting was held without meeting the quorum stipulated in the Articles of Association.

Meanwhile, Notary AW clarified and denied these allegations through the media, stating that his presence as Notary was due to a request from the Chair of the MIM Langsa Foundation's Advisory Board to act as Notary at the MIM Langsa Foundation Meeting on January 6, 2025. All original documents were presented and submitted to Notary AW. Furthermore, Notary AW was the Notary who agreed to attend the meeting. In relation to this matter, particularly regarding the absence of Muslihah IT and Zuhrah IT as Advisors of the MIM Langsa Foundation who had also been invited by the Chairperson of the Foundation's Advisors, it can be proven that the person concerned was aware of and responded to the invitation letter to the Chairperson of the Foundation's Advisors and Notary AW as a copy.¹²

What Notary AW denied was that the facts were not the same. If we look at Article 11 paragraph (1) letter a of the MIM Langsa Foundation Articles of Association Number 03 dated March 2, 2017, it is stated that the Advisory Meeting is valid and has the right to make binding decisions if attended by at least 2/3 (two-thirds) of the number of Advisory Members. In this case, the total number of Advisory Members is 4 people. In fact, the meeting was only attended by 2 (two) Advisors in the name of Suraiya IT and Nurul Fadhli IT so that the meeting did not meet the provisions as intended (no quorum), and the Reported Party knew about this and still attended and carried out the meeting and recorded it in the Deed of Minutes of the Joint Meeting regarding the Appointment of Advisors of the MIM Langsa Foundation Number 04 dated January 6, 2025 made by the Reported Party (Notary AW).

e. Based on this, RS & Rekan's legal counsel finally reported the matter to the Aceh Besar MPDN, which then held a hearing on the report of the alleged violation of the Code of Ethics by Notary AW on Thursday, February 6, 2025, in the Law and Human Rights Center Meeting Room, Ministry of Law Regional Office, Jalan T. Nyak Arief No. 185, Banda Aceh. During the hearing, a team (Examination Panel) was formed and scheduled to hear statements from the Reporter and Reported regarding the report against Notary AW, scheduled for Monday, February 17, 2025.

In accordance with the plan above, an examination of the Reporter and Reported was conducted on February 17, 2025, during the hearing on the Reporter and Reported regarding the report against Notary AW. The implementation of the meeting can be seen in Figure 1 below:



Fig 1: Meeting to hear statements from the reporter and the reported party regarding the report against Notary AW

Based on the information provided by the Reporter and the Respondent, the Aceh Besar MPDN ultimately concluded that the Reported's actions violated Article 16 paragraph (1) letter (a) of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (also referred to as the Notary Position Law, abbreviated as UUJN), which requires Notaries in carrying out their duties to "act with integrity, honesty, thoroughness, independence, impartiality, and safeguard the interests of parties involved in legal actions." "Thoroughly," here, means acting more cautiously and impartially. In this case, it appears that the Reported Party was very partial to the person who approached him and also never safeguarded the interests of parties involved in legal actions.

The Examination Team (Examination Panel) and all members of the Aceh Besar MPDN agreed on the results of the Aceh Besar MPDN Meeting regarding the Discussion of Recommendations for the Examination Results regarding the Report on Notary AW. After that, it will be continued with the preparation of the Examination Result Recommendation which will later be submitted to the Aceh Province Notary Supervisory Board (MPWN Aceh) for follow-up.

e. As a follow-up to the results of the Aceh Besar MPDN meeting as mentioned above, on February 25, 2025, the Aceh Besar MPDN, in its letter No. UM.MPDN Aceh Besar/II/2025-08, sent a Recommendation on the Audit Results regarding the Report against Notary AW to the Aceh MPWN.

Notary AW disagreed with the Aceh Besar MPDN, and according to Notary AW, his actions complied with applicable regulations and did not conflict with the UUJN. Therefore, Notary AW, along with his attorneys, MM and IHA, filed a lawsuit with the Banda Aceh District Court (PN Banda Aceh) on April 14, 2025, alleging Unlawful Acts (PMH). In his lawsuit, Notary AW argued that the actions or actions taken by the Aceh Besar MPDN constituted PMH. Although Notary AW sued the MPDN Aceh Besar as an institution or body or part of an institution, in his lawsuit, Notary AW not only sued the MPDN Aceh Besar as an institution or part of an institution, but also the members of the MPDN individually or individually also became Defendants. So that the Defendants are not only the MPDN Aceh Besar, but also the members of the MPDN Aceh Besar personally. This can be seen in the Plaintiff's lawsuit against

¹² Jatimsatunews.com, Klarifikasi Azwir Notaris Aceh Besar, Bantah Tuduhan Muslihah IT terkait Yayasan MIM Langsa, 9 Februari 2025.

the Defendants described in his lawsuit, which according to the author's analysis is as follows:

- a. Liawati Supena (Defendant 1), who served as Chair of the Aceh Besar MPDN and also sent the invitation letter No. UM.MPDN Aceh Besar/II/2025-04 dated February 10, 2025, regarding the invitation to hear statements from the complainant and the reported party regarding the report against Notary AW. Furthermore, Lia Supena also served on the Aceh Besar Regency MPDN Team, as stated in the Investigation Report No. 001/BAP/MPDN Aceh Besar II/2025 dated February 6, 2025.

Liawati Supena is suspected of committing PMH by sending the invitation letter No. UM.MPDN Aceh Besar/II/2025-04 dated February 10, 2025 to Notary AW, regarding the invitation letter to hear statements from the complainant and the reported party regarding the report against Notary AW. Liawati Supena also served on the Aceh Besar Regency MPDN Team (Chair of the MPDN). In this case, Notary AW feels innocent, why was an invitation sent to the person concerned for examination or to hear his statement?

- b. Ika Putri Mauliazuarni (Defendant 2), Occupation Secretary of the MPDN Aceh Besar Examiner concurrently Submission of Summons Letter Number UM.MPDN Aceh Besar/II/2025-03 of 2025 Dated 10-02-2025. Ika Putri Mauliazuarni is suspected of committing PMH because the person concerned is the Secretary of the MPDN Aceh Besar Examiner and has also taken the action of submitting Summons Letter Number UM.MPDN Aceh Besar/II/2025-03 of 2025 Dated 10-02-2025 to Notary AW.
- c. Zul ASDI (Defendant 3), Head of the Aceh Besar Regency MPDN Examiner. Zul Asdi is Defendant 6 for allegedly acting as a Chairperson in the examination of Notary AW.
- d. Muhammad Nur (Defendant 4), Member of the Aceh Besar Regency MPDN Examiner. Muhammad Nur is Defendant 4 for allegedly acting as a Member in the examination of Notary AW.
- e. Idawanti (Defendant 5), Member of the Aceh Besar Regency MPDN Examiner. Idawanti is Defendant 5 for allegedly acting as a Member in the examination of Notary AW.
- f. Juliani Mukhtar (Defendant 6), Member of the Aceh Besar Regency MPDN Team. Juliani Mukhtar is Defendant 6 for allegedly acting as a Member in the Aceh Besar MPDN Team. The designation of her as Defendant 6 is anomalous, as she is only a member of the Aceh Besar MPDN Team. In this case, the person concerned did not carry out any action or deed, but was suspected of carrying out PMH..
- g. Muhammad Nur (Defendant 7), working with the Aceh Besar Regency MPDN Team. Muhammad Nur was named Defendant for allegedly committing PMH (Corruption Act) in the form of a Member during the examination of Notary AW. The designation of him as Defendant 7 is anomalous, as he was only a member of the Aceh Besar MPDN Team. In this case, he did not commit any acts or deeds, yet he is suspected of committing PMH.
- h. Fazzan (Defendant 8), working with the Aceh Besar Regency MPDN Team. Fazzan was named Defendant for allegedly committing PMH in the form of a Member of the Aceh Besar MPDN Team. The designation of

him as Defendant 8 is anomalous, as he was only a member of the Aceh Besar MPDN Team. In this case, he did not commit any acts or deeds, yet he is suspected of committing PMH.

- i. Eva Juliana (Defendant 9), working with the Aceh Besar Regency MPDN Team. Fazzan was named Defendant for allegedly committing PMH in the form of a Member of the Aceh Besar MPDN Team. The designation of the person concerned as Defendant 9 is odd, as the person concerned was only a member of the Aceh Besar MPDN Team. In this case, the person concerned did not commit any acts or deeds, yet he is suspected of committing PMH.

Furthermore, Defendant 10 and subsequent Defendants are not presented here because they are only included in the discussion.

The arguments or reasons put forward by Notary AW in his lawsuit include:

- a. That the results of the Aceh Besar Regency MPDN examination were only given and received by the Plaintiff or Reported Party on April 10, 2025, at 5:27 a.m. Western Indonesian Time, even though the results of the Aceh Besar Regency MPDN examination had already been given to the Notary Regional Supervisory Board (MPWN) with copies sent to the Complainant, MPDN, MPPN, and the Regional Board of the Indonesian Notary Association (Pengda INI). Meanwhile, the Reported Party was only given and received by the Plaintiff or Reported Party on April 10, 2025. The Examination Board of the MPDN of Aceh Besar Regency has acted discriminatively, namely intentionally and unlawfully by not providing a copy of the results of the examination of the Plaintiff or Reported Party, thus the Examination Board of the MPDN of Aceh Besar Regency has committed a legal act that is contrary to the intent of Article 23 of the Regulation of the Minister of Law and Human Rights (Permenkumham) Number 15 of 2020, which states that the Results of the MPDN Examination are given to the Notary Regional Supervisory Board (MPWN) with a copy to the Reporter, Reported Party, the Notary Central Supervisory Board (MPPN) and the INI Regional Supervisory Board.
- b. The Minutes of Examination Number 001/BAP/MPDN Aceh Besar/11/2025 issued by the Head of the MPDN of Aceh Besar Regency only lists the day and date of the examination, while the start and end dates of the examination of the Plaintiff or Reported Party are not listed at all.
- c. Regarding several questions posed to the Plaintiff or Reported Party, before answering, the Plaintiff or Reported Party requested the Complaint Report of Dra. Muslihah, I.T. and Dra. Zuhrah, IT., M.H. and requested a rescheduling of the examination because some documents were not brought from the Notary's Office. However, the Chair of the Examination Panel and 2 (two) Defendants 6 and Defendant VII stated that they still had to answer because Defendants I through IX were present at today's meeting. Therefore, according to the Plaintiff or Reported Party, such actions constitute an unlawful act (PMH).
- d. The Plaintiff or Reported Party feels that they have been treated unfairly and without transparency by Defendant I, which was submitted and continued by

Defendant III and Defendant IV, respectively as Chairperson and Member of the Examination Panel of the Aceh Besar Regency MPDN, and there has been pressure and pressure from Defendant VI and Defendant VII, stating that they must still answer the questions that have been prepared by the Examination Panel now.

- e. That the Plaintiff or Reported Party has been treated by Defendant I, Defendant III to Defendant IX not in accordance with applicable legal provisions, therefore the Plaintiff or Reported Party is in a healthy physical condition but is not mentally healthy due to being carried out under very heavy pressure from Defendant I, Defendant III to Defendant IX, and will still be examined on Monday, February 17, 2025, according to Letter Invitation Number UM.MPDN Aceh Besar/11/2025-04 Dated 10-02-2025 from Defendant I.

Based on what has been stated above, it can be understood that the lawsuit filed by Notary AW against the MPDN of Aceh Besar Regency related to the PMH carried out by Notary AW is apparently not sufficiently justified. In addition, the lawsuit filed is still far from the requirements of a lawsuit, for example, the subject being sued must meet the requirements, such as the MPDN member being sued (thus becoming the Defendant). The one being sued should be the MPDN of Aceh Besar Regency, so anyone who is a member of or is a member of the MPDN of Aceh Besar Regency will be the Defendant. However, Notary AW sued an individual from the MPDN members. If the person being sued is an individual (in this case there are 9 members of the MPDN of Aceh Besar Regency who are Defendants, starting from Defendant 1 to Defendant 9), then the domicile address of the Defendants is the actual residential address of the Defendants (according to the Identity Card of each Defendant). Meanwhile, Notary AW, in his lawsuit, sued the members of the Aceh Besar Regency MPDN individually, listing their address at Jalan Teuku Nyak Arief No. 185, Banda Aceh. This address is the Aceh Regional Office of the Ministry of Law, not the addresses of the defendants. Some defendants' addresses are not even listed or mentioned. For example, Defendants 1, 2 and 3. While Defendants 4, 7 and 9 are mentioned as above, namely the address of the Aceh Regional Office of the Ministry of Law, Jalan Teuku Nyak Arief No. 185 Banda Aceh. In addition, the occupational identities of the Defendants, where the jobs listed in the lawsuit are Chairperson of the MPDN of Aceh Besar Regency, Chairperson of the MPDN Examiner of Aceh Besar Regency, Secretary of the MPDN Examiner of Aceh Besar Regency, Member of the MPDN Examiner of Aceh Besar Regency, and the MPDN Team of Aceh Besar Regency. Even though such is not the daily or routine work of the Defendants. The Chief Examiner, Secretary of the Examiner and Member of the MPDN of Aceh Besar Regency are additional tasks that are incidental in nature. Thus, it can be said that the legal advisor or attorney from Notary AW as a legal advisor who is just learning to prepare a lawsuit, who does not fully understand the mechanism and procedures for preparing a lawsuit.

Filing a lawsuit against someone for misconduct must be based on Article 1365 of the Civil Code, which identifies four elements and requirements for an act to be considered misconduct. In this case, an act that violates:

- a. The legal obligations of the perpetrator of misconduct.
- b. The subjective rights of others.

c. Morality.

d. Propriety, caution, or accuracy.

Article 1365 of the Civil Code states: "Any unlawful act that results in harm to another person requires the person whose fault caused the harm to compensate for that loss." This includes various forms of acts that can cause harm to another party, such as:

- a. negligence,
- b. violation of rights, or
- c. other unfair acts.¹³

If the above description is connected to the case that occurred regarding the lawsuit of Notary AW against MPDN Aceh Besar Regency regarding PMH, then there will be no description of the PMH carried out by MPDN Aceh Besar Regency, so it is not clear what kind of PMH is accused of MPDN Aceh Besar Regency, there is no description of the form of PMH carried out and there is no causal relationship (cause and effect) between the PMH carried out and the losses experienced by Notary AW. Thus it can be said that the PMH lawsuit carried out by MPDN Aceh Besar Regency is unclear. Including the legal subjects who are sued (Defendants) are also unclear in their identities, both the addresses and occupations of the Defendants.

Meanwhile, a more fundamental issue is the issue of absolute competence, namely regarding which court or courts have the authority to examine and adjudicate the case. According to Sudikno Mertokusumo, absolute competence is the authority of the court in handling certain cases based on their type, and cannot be transferred to other courts. In the case described above, on the one hand, Notary AW sued the MPDN of Aceh Besar Regency. If this is the case, the lawsuit should have been filed with the Jantho District Court, not the Banda Aceh District Court. If Notary AW believes that the competent court is the District Court, then it should have been filed with the Banda Aceh District Court.¹⁴ Meanwhile, on the other hand, if the person being sued is a member of the MPDN of Aceh Besar Regency, then the lawsuit is not to the District Court, but to the State Administrative Court (PTUN), namely the Banda Aceh PTUN. This is because the PTUN only exists in Banda Aceh and does not exist in other Regency/Municipality areas.

Based on the above description, Notary AW, as the plaintiff, likely felt and realized that his lawsuit would be rejected, or declared inadmissible, or N.O. by the Panel, either because the lawsuit was vague, the Defendant's identity was unclear, the Banda Aceh District Court lacked authority to handle it, or other factors. Therefore, Notary AW immediately withdrew his lawsuit on the first hearing day (after unsuccessful mediation efforts).

Conclusions

Notary AW's lawsuit against the Aceh Besar Regency MPDN regarding the PMH (National Elections Commission) was apparently insufficiently substantiated. Furthermore, the lawsuit filed fell far short of the requirements for a lawsuit. For example, the subject of the

¹³ Christyanto Hutagaol & Partners, Langkah Demi Langkah Mengajukan Gugatan Perbuatan Melawan Hukum, <https://www.chplaw.id/blog/gugatan-perbuatan-melawan-hukum/>

¹⁴ Sudikno Mertokusumo, *Hukum Acara Perdata Indonesia, Liberty, Yogyakarta, 2010.*

lawsuit must meet the requirements, such as being a member of the MPDN being sued or being a defendant. The MPDN should be sued, so anyone who joins or is a member of the MPDN would be a defendant. However, Notary AW sued an individual MPDN member. If the lawsuit were filed against an individual (Defendant 1 to Defendant 9), then the domicile address of the Defendants is the actual residential address of the Defendants (according to the Resident Identity Card of each Defendant). Meanwhile, Notary AW in his lawsuit sued the members of the MPDN of Aceh Besar Regency individually by listing the address Jalan Teuku Nyak Arief No.185 Banda Aceh. This address is the address of the Aceh Regional Office of the Ministry of Law, not the addresses of the Defendants. Some Defendants are not even listed or their residential addresses are not mentioned. In addition, the occupational identities of the Defendants, where the jobs listed in the lawsuit include the Chairperson of the MPDN of Aceh Besar Regency, the Chairperson of the MPDN Examiner of Aceh Besar Regency, the Secretary of the MPDN Examiner of Aceh Besar Regency, the Member of the MPDN Examiner of Aceh Besar Regency, and the MPDN Team of Aceh Besar Regency. Even though such is not the daily or routine work of the Defendants. The Chairperson of the Examiner, the Secretary of the Examiner and the Member of the MPDN of Aceh Besar Regency are additional tasks that are incidental in nature.

In Notary AW's lawsuit against the Aceh Besar Regency MPDN, there is no description of the violation of law and order (PMH) committed by the MPDN. Therefore, it is unclear what type of violation the MPDN is accused of. There is no description of the form of violation, and there is no causal relationship between the violation and the losses suffered by Notary AW. Therefore, it can be said that the PMH lawsuit filed by the Aceh Besar Regency MPDN is vague.

Notary AW, in suing the members of the Aceh Besar Regency MPDN, failed to consider which court or court had the authority to examine and adjudicate the case. If Notary AW were suing the individual members of the Aceh Besar Regency MPDN for committing PMH, the lawsuit should have been filed with the Jantho District Court, not the Banda Aceh District Court. If the MPDN Aceh Besar Regency was sued as an institution, the lawsuit would have been filed not with the District Court, but with the State Administrative Court (PTUN), specifically the Banda Aceh PTUN. This is because the PTUN exists only in Banda Aceh and does not exist in other regencies/municipalities.

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