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THE ROLE OF THE STATE ON THE PRIVATE LAW THROUGH NOTARY AS A PUBLIC OFFICIAL IN LEGAL SYSTEM IN INDONESIA

Abstract:

The legal system in Indonesia embraces the division: public law and private law, which is one of the characteristics of the civil law system. The Government, as an organ of the State, also assigns some of its duties and authorities to the Public Official. A public official is a functionary appointed and discharged by the authority of the State, represented by the Government, and authorized and obliged to serve the public in certain matters because he or she participates in exercising the authority of the Government. Notary, as a general functionary or public official, performs State duty in making authentic deed in order to serve (if requested) society; and the authentic deed made is a state document. In its development, there has been a shift of the notarial position as a public official – who is a part of the state organs – to become no longer a public official but a general profession. This is because if there is a legal issue concerning the authentic deed that is made, it is often contested through the general court rather than through the administrative court of the State. Therefore, the role of the State is necessary in strengthening the legal system.

Keywords:

public law, private law, public official, notary

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