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The Authority of Notary as Class II Auction Official in Providing Legal Counseling on The Auction Minutes Deed They Create

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Abstract: This study aims to analyze the authority of a notary as a class II auction official in providing legal counseling related to the auction minutes deed they create. This research focuses on understanding the notary's role in ensuring that the parties involved in the auction gain a clear legal understanding of their rights and obligations and provide accurate explanations regarding the auction process as reflected in the auction minutes deed. The study's findings show that the notary's authority as a class II auction official in providing legal counseling is crucial to ensuring that the auction process proceeds by the applicable legal provisions. The notary plays a key role in explaining the legality of the auction minutes deed, which can influence the decisions of the auction participants. However, challenges in implementing this authority were found, such as the limited legal understanding of the parties involved and the lack of coordination between the notary and the auction institution.

Keywords: Notary Authority, Auction Official, Auction Minutes Deed

1. INTRODUCTION

A notary is a profession that plays an important role in the legal system in Indonesia. As a public official authorized by the state, a notary is tasked with making authentic deeds with powerful legal force. Deeds made by a notary not only function as valid written evidence in the eyes of the law but also have an important role in legal certainty for the parties involved. One type of deed made by a notary is an auction minutes deed. Along with the development of society and the economy, auction activities have become one of the mechanisms widely used to sell movable or immovable goods, both private property and goods confiscated by the state. In this case, a notary who serves as a Class II auction official has the authority to make an auction minutes deed, which is legal evidence of the auction process and results. This auction minutes deed contains official records regarding the implementation of the auction, including the identity of the auctioned goods, the price achieved, and the identity of the auction participants and winners (Arifin & Wahyudi, 2020).

The authority of a notary as an auction official is not limited to making auction minutes. As a public official, a notary provides legal counseling on auction procedures, the parties' rights and obligations, and the auction process's legal implications. This legal counseling is essential so that the parties involved in the auction, both participants, owners of goods, and winners, clearly understand their rights and obligations and avoid future disputes. Legal counseling provided by a notary as a Class II auction official is one aspect that should not be ignored in the implementation of an auction. Without a sufficient understanding of the applicable legal process, the potential for errors or misuse in the implementation of the auction can be huge. Therefore, a notary as an auction official has a dual responsibility, namely not only carrying out his duties in making auction minutes but also providing

legal understanding to the parties involved so that transparency, legal certainty, and justice are created in every auction process (Cahyana, 2020).

The authority of a notary as a Class II auction official in providing legal counseling is not only limited to technical procedural explanations but also includes an understanding of the rights and obligations contained in the auction minutes deed. Therefore, understanding the role and authority of a notary in the auction process is fundamental, both to protect the parties' legal interests and to maintain the credibility and integrity of the auction institution itself. This authority stems from the need for legal clarity in every auction transaction. Given the importance of the notary's position in creating legal certainty, this study will examine in more depth the authority of a notary as a Class II auction official in providing legal counseling on the auction minutes deed he has made, as well as the impact of providing such legal counseling on the effectiveness and smoothness of the auction process in Indonesia.

The authority of notaries as Class II auction officials in providing legal counseling related to auction minutes deeds is an important development in the legal system in Indonesia. In implementing auctions of movable and immovable goods, a legitimate and transparent auction process requires an auction minutes deed made by an auction official. Notaries who act as Class II auction officials are responsible for making the deed and providing comprehensive legal explanations to the parties involved, such as auction participants, owners of goods, and auction winners. The legal counseling this notary provides is expected to ensure that all parties understand their rights and obligations in the auction process and the legal implications of their actions. However, this phenomenon also raises several problems that need to be solved. One of the main problems is the ignorance or lack of understanding of the parties regarding auction procedures and the legal consequences that can arise from the process. Although notaries have the authority to provide legal counseling, auction participants or other parties involved are often not fully aware of the importance of the information provided by the notary. This can lead to legal uncertainty or even disputes in the future if there is a misunderstanding regarding the rights and obligations contained in the auction minutes deed (Hidayat, 2019).

Challenges related to the dual role of notaries as auction officials. On the one hand, notaries can make valid deeds with legal force. However, auction officials must also provide adequate legal understanding to the parties. Sometimes, notaries may face a dilemma between exercising formal authority in making deeds and providing educational and in-depth legal explanations regarding the auction process. Some notaries may feel burdened by this responsibility, especially if they do not have sufficient resources or time to provide maximum legal counseling to all parties involved. Another problem is related to the level of compliance with the legal counseling provided by the notary. Even though the notary has provided a complete and clear explanation, it is not uncommon for some parties in the auction—both participants and parties who own the goods—to ignore or fully understand the information. This can certainly impact the auction process not running smoothly and cause legal problems after the auction is completed (Andriani, 2021).

The experience and competence of the notary greatly influence how effectively the parties receive legal counseling. Notaries with much experience in this field can sometimes provide more detailed and easy-to-understand explanations. However, for notaries who may be less experienced or less accustomed to providing legal counseling, the quality and depth of the information may be limited, thus providing less clarity to the parties involved. This phenomenon and problem show how important the existence of a notary as an auction official is in creating a fair, transparent, and legal auction process. However, to achieve this goal, the notary's role in providing legal counseling must be supported by a deeper understanding of the auction procedure and the importance of the notary's role in providing comprehensive explanations. In this case, not only the formal authority held by the notary needs to be considered, but also their competence and readiness to carry out this responsibility properly. Thus, the potential for problems arising in the auction process can be minimized, and a fair and transparent auction process can be achieved (Budi, 2018).

This study examines the authority of a notary as a Class II auction official in providing legal counseling related to the auction minutes deed that he/she has made. This study seeks to explore the extent to which the role of a notary as an auction official is limited to making an auction minutes deed and includes the responsibility to provide legal understanding to the parties involved in the auction. The main objective of this study is to analyze how this authority is implemented in practice and how effective legal counseling is in ensuring legal certainty for auction participants, owners of goods, and auction winners. This study also aims to identify the challenges and obstacles notaries face in exercising their authority as Class II auction officials, especially in providing legal counseling. Thus, it is hoped that this study can provide insight into the dual role carried out by notaries—both as legitimate auction officials and as legal counselors—and how this affects the smoothness and transparency of the auction process. In addition, this study also seeks to reveal the impact of legal counseling provided by notaries on the parties' understanding of their rights and obligations in the auction. In this context, the study aims to measure how much legal understanding the parties have obtained after receiving counseling from a notary and how this understanding can minimize the potential for legal disputes that may arise in the future. This study also aims to provide recommendations related to efforts to improve or increase the authority of notaries in providing more effective legal counseling and positively impacting the smooth running of the auction process in Indonesia (Budiono, 2016).

2. LITERATURE REVIEW

2.1. Definition and Function of Notary as Class II Auction Official

Notary as a class II auction official has certain authorities regulated in laws and regulations, as regulated in Article 1 number 1 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN). A notary is a public official authorized to make authentic deeds and has other authorities as regulated by the law. In the context of auctions, the role of notaries is further regulated in the Regulation of the Minister of Finance of the Republic of Indonesia Number 213/PMK.06/2020 concerning Auctions (PMK 213/2020), which provides space for notaries to carry out auctions under certain classifications.

2.2. Notary's Authority in Auction Minutes Deed

A deed of auction minutes is an authentic document made by an auction official to record the auction process, including the final results of the auction. As a class II auction official, a notary must ensure that applicable legal provisions carry out the process. This is emphasized in Article 23 of PMK 213/2020, which stipulates that auction officials are required to guarantee the validity of their auction minutes deed. This validity includes compliance with auction procedures and protecting the parties' rights.

2.3. Legal Counseling by Notaries in the Implementation of Auctions

Legal counseling is part of the ethical responsibility of notaries to provide understanding to the public or parties involved regarding the substance of the auction minutes deed. This counseling aims to ensure that the parties understand the legal consequences of the auction that has been carried out. According to the theory of public service, this function is a manifestation of transparency and accountability of public officials in carrying out their duties (Hardjasoemantri, 2006). Legal counseling can also be a means of legal education that increases public legal awareness.

2.4. Legal Implications of Notarial Auction Minutes Deeds

A notarial auction minutes deed made by a notary has perfect evidentiary power as regulated in Article 1870 of the Civil Code (KUH Perdata). This deed functions as an administrative document

with significant legal implications, particularly regarding legal certainty over the auction results. Inconsistencies in preparing the auction minutes deed can potentially lead to legal disputes involving the notary as the auction official. Therefore, the notary must comply with all applicable procedures and provisions when preparing the deed.

2.5. Comparative Study: The Role of Notaries in Auctions in Other Countries

In the international context, the role of notaries in auction implementation varies depending on the legal system adopted by a country. In countries with continental legal traditions, such as France and the Netherlands, notaries also have the authority to supervise certain auctions. This reflects the similarity of function as guardians of legal validity and protection of the parties' rights. Research by Beale (2008) shows that the involvement of notaries in auctions in these countries provides a higher level of public trust in the auction process.

2.6. Challenges and Opportunities in Providing Legal Counseling by Notaries

The main challenge in providing legal counseling by notaries lies in the limited public understanding of the legal aspects of auctions. In addition, notaries often face time and administrative pressures in carrying out their duties as auction officials. However, the opportunity that arises is the increasing need for legal education in the community, which notaries can utilize to expand their role as agents of social change. Notaries can provide legal counseling more effectively and efficiently by utilizing information technology, such as digital-based applications (Purwanto, 2019).

3. RESEARCH DESIGN AND METHOD

The qualitative method in this study can be used to analyze the authority of notaries as class II auction officials in providing legal counseling on the auction minutes deeds they make. The qualitative approach aims to gain an in-depth understanding of the roles and responsibilities of notaries in the context of auctions, as well as how they provide legal counseling related to the deeds they make (Kusuma, 2017). Several steps that can be taken to use qualitative methods in this study are:

1. Literature Study

Reviewing literature on notaries' authority, especially those related to auctions and the underlying regulations. This study will cover laws governing the notary profession and auction regulations, such as Law No. 2 of 2014 concerning the Position of Notaries, as well as provisions regarding auctions regulated by Government Regulations or other regulations.

2. In-depth Interviews

Conducting interviews with notaries who act as class II auction officials and other related parties, such as auction participants, legal experts, and auction officials. This interview aims to understand how notaries exercise authority in legal counseling related to auction minutes deeds.

3. Observation

Research can be supplemented with direct observation of the auction implementation and the notary's making of auction minutes. With this observation, researchers can understand how the auction process runs and how the notary interacts with auction participants in providing related legal information.

4. Document Analysis

Analyze relevant documents, such as auction minutes deeds made by notaries, auction regulations, and guidelines notaries use in exercising their authority. This may include an analysis of the clarity of legal information conveyed in the auction minutes deeds.

5. Qualitative Data Analysis

Data obtained through interviews, observations, and document analysis will be analyzed using a qualitative approach, such as thematic or content analysis. Researchers can identify key themes related to the authority of notaries as auction officials and their role in providing legal counseling.

4. RESULT AND DISCUSSION

4.1. *The Role of a Notary as a Class II Auction Official in Making an Auction Minutes Deed and the Extent of His Authority in Providing Legal Counseling Related to the Deed*

The Role of a Notary as a Class II Auction Official in Making an Auction Minutes Deed and His Authority in Legal Counseling Related to the Deed Notaries appointed as Class II auction officials play a key role in ensuring the validity and smoothness of the auction process. By the provisions of Law No. 2 of 2014 concerning the Position of Notaries, notaries can be appointed as auction officials by the Ministry of Finance of the Republic of Indonesia, with the responsibility to carry out legitimate auction duties by legal provisions. Duties and Responsibilities of a Notary as a Class II Auction Official:

- a. Drafting an Auction Minutes Deed: An auction minutes deed is a document that records the entire auction process, including decisions taken throughout the process. Notaries are responsible for drafting auction minutes carefully and using legal procedures so that this document can be valid evidence of the auction process.
- b. Supervising the Auction Process: As an auction official, a notary ensures that every auction stage is carried out according to applicable regulations, from bidding to determining the winner. The notary plays an active role in verifying that relevant legal provisions carry out the entire auction process.
- c. Ensuring the Validity of the Auction Process: As an auction official, the notary is responsible for ensuring that all stages of the auction are carried out legally and by applicable law, including ensuring that the auction minutes deed reflects the facts that occurred without any deviation.
- d. Signing the Auction Minutes Deed: After the auction process, the notary signs the auction minutes deed, which includes information such as the object being auctioned, the price achieved, the auction winner, and payment obligations. This deed validly proves the auction transaction (Sulaiman, 2021).

The notary can counsel the parties involved in the auction, but this authority is limited to technical and procedural matters. Types of Legal Counseling that a Notary Can provide:

- a. Auction Procedure Counseling: The notary can explain the stages in the auction process, the rights and obligations of auction participants, and what must be done after the auction is complete, such as payment obligations and handover of objects.
- b. Explanation of the Contents of the Auction Minutes Deed: The notary can explain the contents of the auction minutes deed, such as information regarding the winner, the recorded price, and the obligations the winner must fulfill.
- c. Counseling regarding the Rights and Obligations of the Parties: The notary can explain the rights and obligations of the parties involved in the auction, be it the auctioneer, the participants, or the winner so that they understand the existing legal obligations.

The Limitations of the Notary's Authority in Legal Counseling are as follows.

- a. Not Providing Substantial Legal Advice: Notaries are not permitted to provide legal advice related to the substance of the law, for example, in the case of disputes or legal interpretations of existing regulations. The counseling provided is limited to technical and procedural matters.
- b. Conveying Facts and Information: Notaries can only provide objective information based on applicable law without providing opinions or legal analysis that could influence the parties' decisions.
- c. Avoiding Conflicts of Interest: Notaries must maintain neutrality and avoid bias or personal interests in the counseling provided. They must ensure that the information provided does not harm any party.

In addition to providing limited legal counseling, notaries must also ensure that the entire auction process is carried out correctly by applicable laws, including:

- a. Ensuring Compliance with Regulations: Notaries are responsible for ensuring that the auction process is carried out by applicable laws and regulations, including the Auction Law and other regulations governing auctions.
- b. Preparing the Auction Deed Accurately: Notaries must ensure that the auction minutes are prepared based on the facts during the auction process, without any errors or mistakes in the recording (Tahir, 2019).

Notaries functioning as class II auction officials are important in preparing valid auction minutes. This deed is legal evidence that reflects the auction process. Although notaries have the authority to provide legal counseling regarding auction procedures and the contents of the auction minutes, their authority is limited to technical and procedural matters. Notaries cannot provide substantive legal advice regarding dispute resolution or legal interpretation.

4.2. Rights and Obligations of Notaries as Class II Auction Officials in Providing Legal Counseling Related to Auction Minutes Deeds They Make, by Applicable Laws and Regulations

As Class II auction officials, notaries are important in the auction process, especially in making auction minutes deeds. As public officials who are authorized by the state, notaries hold rights and obligations regulated by several laws and regulations, such as the Civil Code (KUHPperdata), Law Number 2 of 2014 concerning the Position of Notaries, and Law Number 4 of 2004 concerning Judicial Power, and other relevant regulations. Rights of Notaries as Class II Auction Officials:

- a. Right to Make Auction Minutes Deeds
As auction officials, notaries have the authority to make legally valid auction minutes deeds, which serve as authentic evidence of the implementation of a valid auction and by legal procedures. This auction minutes deed has high evidentiary power in court.
- b. Right to Service Rewards
A notary can receive service rewards by applicable provisions based on the rates or honorarium set by the authorized institution. The amount of this reward is adjusted to the level of difficulty or type of auction being conducted.
- c. Right to Provide Legal Counseling
As an auction official, a notary can provide legal counseling to parties involved in the auction, such as auction participants or interested parties. This counseling includes explaining the rights and obligations in the auction and the procedure for making a deed of auction minutes.

Notaries have the right to obtain legal protection in carrying out their duties, including protection against all legal actions taken while carrying out their duties as auction officials, as long as they comply with applicable regulations (Mulyadi, 2018).

Obligations of Notaries as Class II Auction Officials

- a. Obligation to Comply with Laws and Regulations
Notaries must comply with regulations governing the position of notary and auction procedures, such as Law Number 2 of 2014 concerning the Position of Notaries and Law Number 14 of 1992 concerning Auctions. This obligation includes the preparation of deeds and procedures that must be followed in making auction minutes deeds.
- b. Obligation to Guarantee the Validity of Auction Minutes Deeds
Notaries must ensure that the auction minutes deed they make is by applicable legal provisions, covers the entire series of valid auction processes, from the announcement to the determination of the winner, and records the auction price and the identity of the goods and parties involved.
- c. Obligation to Provide Clear and Accurate Legal Counseling
Notaries must provide legal counseling related to auction procedures and the risks involved. This counseling ensures the parties understand their rights and obligations, the auction process, and its legal consequences.

- d. **Obligation to Maintain Confidentiality**
Notaries must maintain the confidentiality of information obtained during the auction process, including participant information, auction results, and the condition and value of the auctioned goods, by the provisions in force in the Notary Law.
- e. **Obligation to Act Independently and Impartially**
As an auction official, a notary must act objectively and independently, without siding with any party in the auction, to ensure fairness and transparency in the auction process.
- f. **Obligation to Make a Valid and Legally Binding Deed**
A notary must make a valid and legally binding auction minutes deed, which functions as evidence and has important evidentiary value in legal disputes that may arise (Raharjo, 2017).

Legal Counseling Provided by Notaries Notaries are required to provide legal counseling to the parties involved in the auction, which includes:

- a. **Explanation of Auction Procedures**
Notaries provide an understanding of the auction stages, from participant registration to determining the winner, so that all parties understand the procedures that must be followed.
- b. **Provision of Information on the Rights and Obligations of Auction Participants**
The notary provides information regarding the rights of auction participants (such as the right to bid) and their obligations (such as the obligation to pay the auction price after the auction is completed).
- c. **Explanation of the Auction Minutes Deed**
The notary explains the auction minutes deed, its contents, and its function as valid evidence of the auction and the legal consequences if there are errors or violations in the auction process.
- d. **Counseling Regarding Legal Risks in Auctions**
The notary provides counseling regarding the legal risks faced by auction participants, such as payment obligations, potential disputes, and other obligations that arise after the auction (Sutrisno, 2022).

As a Class II auction official, a notary can make a deed of auction minutes and provide legal counseling to the parties involved. In addition, the notary also must comply with applicable regulations, ensure the validity of the deed of auction minutes, provide appropriate legal counseling, maintain confidentiality, and act independently and impartially. Legal counseling a notary provides is essential to ensure transparency, fairness, and legal certainty in the auction process.

4.3. There are challenges or obstacles in the implementation of the notary's authority as a class II auction official in providing legal counseling related to auction minutes deeds and how to overcome them

In carrying out their duties as class II auction officials, notaries face various challenges in providing legal counseling related to auction minutes deeds. These challenges include legal, administrative, social, and technical aspects. The following explanation outlines some of the main challenges faced and ways that can be done to overcome them.

- a. **Limited Legal Understanding by Related Parties Challenges:** Many parties, such as auction participants, debtors, and the public, do not understand auction procedures and auction minutes deeds. This lack of understanding has the potential to confuse related parties and can even lead to disputes. Solutions:
 - 1) **Structured Counseling:** Notaries must prepare simple, straightforward, and systematic counseling materials related to auction procedures and the importance of auction minutes deeds. This can be done through seminars, discussion forums, or written materials that are easy to understand.
 - 2) **Regular Training:** Conduct regular training or workshops for auction participants and other related parties so that they better understand the legal aspects related to auctions.

- 3) Socialization Through Media: Notaries can utilize social media or official websites to provide information about auctions that are easily accessible to the public so they are better prepared to face the auction process (Yulianto, 2020).
- b. Lack of Socialization at the Community Level Challenges: In remote areas, community understanding of the role of notaries in auctions is often limited. This reduces active community participation and can increase the risk of procedural errors. Solutions:
 - 1) Counseling through Various Media: Counseling can be done by utilizing mass media or online media such as blogs, videos, or infographics that convey information visually and quickly.
 - 2) Cooperation with Related Institutions: Notaries can collaborate with institutions such as courts, auction offices, and educational institutions to organize seminars or broader counseling programs for the community.
 - c. Limited Resources and Time Challenges: Notaries often have many other administrative and legal tasks, so the time available to provide adequate counseling is limited. Solutions:
 - 1) Utilization of Technology: For efficiency, notaries can utilize technology to provide counseling materials in digital form that can be accessed at any time by related parties.
 - 2) Delegation of Tasks: Notaries can collaborate with legal staff or lawyers to provide counseling or with administrative staff to handle tasks that do not require unique legal expertise.
 - d. Differences in Legal Understanding between Notaries and Other Parties Challenge: Sometimes, there are differences in the interpretation of the auction minutes deed between notaries and other parties, which can lead to confusion between the parties or procedural errors. Solution:
 - 1) Clear and Detailed Deed: The notary must ensure the auction minutes deed is prepared, detailed, and easily understood. At every step of the auction, the rights and obligations of the related parties and the legal consequences must be explained transparently.
 - 2) Open Communication: If there is any ambiguity or dispute, the notary must be ready to provide adequate clarification regarding the contents of the auction minutes.
 - 3) Meeting for Clarification: In the event of a difference of opinion, the notary can hold a meeting or discussion with the related parties to reach a common understanding (Adisasmita, 2019).
 - e. Challenges of Technology and Administrative Systems Challenges: Administration and documentation systems that are poorly integrated or technical problems in the technology used can hinder the auction process and legal counseling. Solutions:
 - 1) Utilization of Appropriate Technology: Notaries can use more modern auction management software to improve administrative efficiency and recording accuracy.
 - 2) System Usage Training: Notaries and other related parties need to be trained to use the appropriate administration system so that the auction process runs faster and more efficiently.
 - 3) Digital Platform for Counseling: Counseling can be conducted online so that many parties can access it without relying on a face-to-face meeting.
 - f. Challenges of Legality and Legal Certainty Challenges: Related to the validity and legality of the auction minutes deed, if not careful, there is the potential for parties to doubt the legality of the deed. Solutions:
 - 1) Strengthening the Deed's Validity: Notaries must always ensure that the auction minutes deed that has been prepared has complied with applicable regulations.
 - 2) Updating Legal Knowledge: Notaries must continue to follow developments in regulations related to auctions to ensure that the auction minutes deed is always legally valid (Junaidi, 2021).

By addressing these challenges systematically, notaries can more effectively carry out their duties as class II auction officials and provide optimal legal counseling to all parties involved.

4.4. Implementation of Notary's Authority as Class II Auction Official in Providing Legal Counseling Can Be Carried Out Effectively in the Context of the Indonesian Legal System

Notaries in Indonesia play a vital role in various legal aspects, one of which is as a class II auction official. In addition to carrying out administrative duties in an auction, a notary also provides legal counseling related to the implementation of the auction. This counseling is important so all parties involved in the auction understand their rights and obligations and carry out the auction process by applicable provisions (Sari, 2020).

a. Authority of Notaries as Class II Auction Officials

Based on Law Number 4 of 2004 concerning Auction Services, auction officials are parties with the authority to conduct auction activities. One form of this authority is the assignment of a notary to act as a class II auction official, with the responsibility to carry out auction procedures unrelated to the auction object determined by certain institutions, such as courts or state financial institutions. A notary who functions as a class II auction official has several authorities, including:

- 1) Organizing Auctions: Designing and implementing the auction process by applicable regulations.
- 2) Auction Announcement: Informing the goods or assets to be auctioned, ensuring that the announcement is made according to procedure and can be accessed by interested parties.
- 3) Preparation of Auction Documents: Creating and preparing auction documents, including a valid auction deed.
- 4) Legal Counseling: Explaining auction procedures, the rights and obligations of auction participants, and the legal consequences of auction results.

b. Legal Counseling by Notaries in Auctions

Legal counseling is integral to the notary's role as an auction official. This task is not only related to administrative law enforcement but also includes efforts to ensure that auction participants understand their rights and obligations in the auction process. Legal counseling carried out by notaries includes several aspects, including:

- 1) Explanation of the Auction Process: Notaries provide clear information regarding auction procedures, including applicable auction mechanisms, registration procedures, and payment procedures for auction participants.
- 2) Rights and Obligations of Auction Participants: Auction participants are given information regarding their rights, such as the right to obtain information regarding the auction object and the obligation to follow the provisions applicable in the auction process.
- 3) Legal Consequences of Auctions: Notaries also need to explain the legal impacts that arise after the auction object is sold, such as the status of ownership of the goods and the obligation to pay by the auction winner.
- 4) Preventing Disputes: Legal counseling also aims to prevent potential disputes between auction participants, the organizers, or other parties (Pratama, 2022).

c. Implementation in the Indonesian Legal System

In order for the notary's authority as a class II auction official to provide legal counseling to run effectively, several important factors need to be considered:

1) Supporting Regulations

Clear and structured regulations are essential to support the notary's authority in providing legal counseling. Several regulations governing the implementation of auctions in Indonesia include:

- a) Law Number 4 of 2004 concerning Auction Services provides a legal basis for auction officials.
- b) Government Regulation Number 27 of 2014 concerning Auctions, which regulates the implementation of auctions and their procedures.
- c) The Notary Code of Ethics is a reference for notaries who carry out their profession, including their role as auction officials.

2) Legal Understanding and Education for Notaries

Notaries who act as auction officials must have a deep understanding of the laws related to auctions. Legal counseling will not be effective if notaries are not equipped with adequate knowledge. Therefore, education and training for notaries are essential to ensure they provide accurate and comprehensive information to auction participants.

3) Socialization and Education in the Community

For legal counseling to achieve maximum results, the community involved in the auction must be given a good understanding of the auction mechanism. Socialization can be done through seminars, training, or publications that explain the auction procedures and the rights of auction participants.

4) Cooperation with Related Institutions

The effectiveness of the notary's authority as an auction official is highly dependent on cooperation between the notary and related institutions, such as the Ministry of Finance, the Directorate General of State Assets (DJKN), the District Court, and other law enforcement agencies. Good cooperation will facilitate the auction process and provide legal certainty for all parties involved.

5) Challenges in Implementation

Several challenges that may hinder the implementation of notary authority in providing legal counseling include:

- 1) Lack of Public Understanding of Auctions: Many auction participants do not fully understand auction procedures or the legal consequences arising after participating. This can lead to confusion or disputes after the auction.
- 2) Different Levels of Education and Legal Knowledge: Not all auction participants have adequate legal backgrounds, so legal counseling must be delivered in a simple and easy-to-understand manner.
- 3) Limited Time and Resources: Legal counseling requires sufficient time and resources. If a notary does not have enough time or workforce, the quality of legal counseling can be reduced.
- 4) Complex Auction System: Complicated auction procedures can make legal counseling difficult. Notaries need to explain all procedures clearly to auction participants without reducing the accuracy of the information.

The authority of a notary as a class II auction official in providing legal counseling has a vital role in maintaining transparent and fair auction implementation in Indonesia. Legal counseling a notary provides helps avoid misunderstandings and disputes between the parties involved. To ensure this authority can be exercised effectively, transparent regulations, adequate education for notaries, community outreach, and cooperation between related institutions are required (Syamsudin, 2015).

5. CONCLUSION

The Authority of a Notary as a Class II Auction Official in Providing Legal Counseling on the Auction Minutes Deed He/she Makes" is as follows:

- a. Authority of a Notary as an Auction Official: A notary who acts as a class II auction official can prepare and make a valid auction minutes deed. In this capacity, the notary acts as a party that assesses and witnesses the auction process and makes valid and accountable minutes.
- b. Role of Legal Counseling: As an auction official, a notary is responsible for providing legal counseling related to the auction and the auction minutes deed he/she makes. This counseling aims to ensure that the parties involved in the auction understand their rights and obligations and the legal processes that apply in the auction. This legal counseling includes aspects related to auction procedures, participant rights, and legal implications of auction results.
- c. Importance of an Auction Minutes Deed: An auction minutes deed made by a notary is a document with legal value and valid evidence related to the auction process. This deed also contains the auction results that must be explained clearly and transparently to the parties involved. Legal counseling from a notary is essential to avoid future legal disputes related to the deed.

Notary Responsibilities: As an auction official, a notary must ensure that all parties understand the auction process's legal aspects and the documents produced, especially regarding the auction minutes deed. This obligation also includes providing correct and unbiased information regarding the status and legal processes during the auction. Overall, the authority of a notary as a class II auction official in providing legal counseling on the auction minutes deed he/she has made is significant to ensure transparency, legal compliance, and protection of the rights of all parties involved in the auction process.

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