



Legal Protection for Participants Regarding the Minutes of The Deed as Part of The Notary Protocol Which Was Destroyed Due To Fire

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Article	Abstract
Keywords: Protection; The Parties; Minute of Deed; Destruction.	<i>The purpose of this study is to analyze the legal protection for the Parties against the Deed Minute as part of the Notary Protocol that was destroyed by fire and efforts to obtain a copy of the Deed as an interest for the Confronters after the Deed Minute was destroyed by fire. The research method used is normative research using a research approach in the form of a statutory approach using Article 28D paragraph (1) of the 1945 Constitution, Article 1889 paragraph (1) and paragraph (2) of the Civil Code, and Article 16 paragraph (1) letter b of the UUJN-P constructed by the method of legal discovery, namely Argumentum per analogiam and using a concept approach. The result of the research is that there is no regulation related to legal protection for the Parties if the Minute of Deed is damaged or destroyed due to fire or force majeure. Furthermore, regarding efforts to obtain a second or subsequent copy of the Deed for the Faces after the destruction of the Deed Minute due to fire.</i>

INTRODUCTION

A notary is a legal profession as a public official who makes authentic deeds at the request of a person or legal entity as the Applicants. The position and profession of notary are terms that can be equated or equal in accordance with Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notary (hereinafter referred to as UUJN-P) (Adjie 2009). Article 15 paragraph (1) of UUJN-P contains the authority of a Notary to store a Deed (*besparen daad*) as part of the Notary Protocol, where the purpose of storing the deed is to prevent it from being damaged or lost. The deed in question is the Minutes of the Deed. The Minutes of the Deed are regulated in Article 1 number 8 of UUJN-P, which states that "Minutes of the Deed are the original Deed that includes the signatures of the Applicants, witnesses, and Notary, which are stored as part of the Notary Protocol." Notaries are required to

maintain and store the relevant Notary Protocol or the Notary holding the protocol in force as long as the Notary's position is still required by the state (Adjie 2009) .

Minutes of Deed as part of the Notary Protocol which is a state archive or called a vital archive based on Article 1 number 4 of Law No. 43 of 2009 concerning Archives. Minutes of Deed stored as part of the Notary Protocol if lost, damaged, or destroyed can be caused by the Notary's negligence or force *majeure*. Fire is included in non-natural disasters in the technology failure indicator regulated in Article 1 number 3 of Law No. 24 of 2007 concerning Disaster Management.

There are 3 (three) legal facts that form the background of this research, namely first on Monday, October 30, 2023, a fire occurred at the Notary and PPAT Office on Jalan Cemara Gang Warmadewa No. 15, Sanur, South Denpasar. The beginning of the fire incident, namely a power outage and a pungent, unpleasant odor was smelled until fire and smoke were seen coming from the ceiling of the office and house belonging to Notary NH (Paramasutha 2023) . Second, on Sunday, March 12, 2023, a fire occurred at the Notary and PPAT Office at the Landmark Shophouse on Jalan Kayon No. 38-40, Block B-6, Surabaya City, which was caused by an electrical short circuit and burned the first floor of the Shophouse rented by Notary EZ. This incident caused the destruction of the Minutes of Deed where the Notary kept it as part of the Notary's obligations and as part of the Notary Protocol (Widiyana 2023) . The legal facts in the case, there was a bundle of Minutes of Deeds that was destroyed by fire with a value of up to hundreds of millions of rupiah, which resulted in losses for the Applicants who had made the Deed with the Notary. The third legal fact, namely Wednesday, July 13, 2023 at 08.00 WIB, a fire occurred in one of the 27 (twenty-seven) buildings, namely the Notary and PPAT (FJ) Office in the Sungai Pinyuh Market Complex, Jalan Damai, Mempawah, West Kalimantan. The fire started in a shophouse building (C) that sold gallons of water and gasoline, where the shophouse experienced an electrical short circuit from the shophouse building. The incident caused a large fire and the fire spread to the surrounding buildings. In this incident, the Notary (FJ) suffered material losses and the deeds he kept were destroyed by fire (Jauhari 2022) .

The Notary has an obligation to provide moral accountability in reporting to the police and the local Regional Supervisory Board after the incident (Fitriana and Lestari 2023) . The next stage, namely the Notary provides the rights of the Applicants to the Minutes of the Deed that have been destroyed by fulfilling legal protection with full responsibility. Based on the above background, there is a legal vacuum in the absence of regulations regarding Notaries providing legal protection to Applicants when the Minutes of the Deed are destroyed by fire. The purpose of this study is to analyze the legal protection for Applicants to the Minutes of the Deed as part of the Notary Protocol that was destroyed by fire and to analyze efforts to obtain a copy of the deed for Applicants after the Minutes of the Deed were destroyed by fire.

METHOD

The research method used in this study is normative juridical legal research. Normative juridical research is the process of discovering legal rules, legal principles, and legal doctrines to address the legal issues relevant to this study, namely the legal vacuum regarding the legal protection rules for Applicants to Minutes of Deeds as part of the Notary Protocol that was destroyed by fire.

The research approach in this research is the statutory approach (*Statue Approach*) and the conceptual approach (*Conceptual Approach*). The statutory approach uses Article 28D paragraph (1) of the 1945 Constitution, Article 1889 paragraph (1) and paragraph (2) of the Civil Code, and Article 16 paragraph (1) letter b of Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notary which will be constructed using the legal discovery method *Argumentum per analogiam*. Meanwhile, the conceptual approach (*Conceptual Approach*) uses theories, doctrines or concepts, and legal principles, and researchers make legal arguments in answering the problems raised.

RESULTS AND DISCUSSION

The definition of the position of "Notary" is regulated in Article 1 number 1 of the UUJN-P which states that, "A Notary is a public official who is authorized to make authentic deeds and other authorities as in this Law." This authentic deed is also called the Minutes of Deed which is the original deed made by or before a Notary which has permanent legal force or is called an authentic deed (Purnamasari 2015). The Notary has an obligation to issue a Copy of the Deed to the Applicants as regulated in Article 16 paragraph (1) letter d of the UUJN-P which states that, "issuing the Grosse Deed, Copy of the Deed, or Extract of the Deed based on the Minutes of the Deed." The Notary can provide a Copy of the Deed not only to the Applicants, but can be given to heirs or someone who obtains rights as regulated in Article 54 of the UUJN-P.

The Applicants are individuals or 2 (two) or more people who together want a stipulation to be written into a written agreement, namely a Notarial Deed. The Applicants must fulfill the requirements to become a "party" to be included in the deed, where the provisions are regulated in Article 38 paragraph (3) letters a to c UUJN, namely: full name; place and date of birth; citizenship; position; residence of the Applicants or their representatives; information on the position acting as Applicants; contents of the deed and the wishes of the Applicants. The Applicant requirements are also determined in Article 39 UUJN-P.

Minutes of Deed are one of the 7 (seven) included in the Notary Protocol in accordance with the explanation of Article 62 of the UUJN. Minutes of Deed are included in vital state archives that must be stored and maintained by a Notary. This is not regulated in writing in statutory regulations, but conceptually, Minutes of Deed are included in vital archives in accordance with the provisions of Article 1 number 4 of

the Archives Law and Article 40 & Article 41 of the PP on Archiving in terms of maintaining vital archives in dynamic archives. The evidentiary value of a deed has 3 (three) types, namely: a) Deeds (archives) that have legal or administrative value that is continuous for the benefit of the Applicants; b) the contents of the Minutes of Deed can provide legal protection for the Applicants or those interested in the deed; and c) can provide clear information in a deed for a person or legal entity (Basuki 2005) .

The Ministry of Law and Human Rights (Kemenkumham) has an obligation to provide guidance and supervision to the position of Notary, where Kemenkumham has formed an institution called the Notary Supervisory Board (MPN) (Malindo 2023) . The examination of the Notary Protocol is carried out by the Regional Supervisory Board (MPD) of the local Regency/City, namely by forming a Regional Examination Board to examine the position of Notary as regulated in Article 4 paragraph (1) of the Minister of Law and Human Rights Regulation on Procedures for Examination of Notaries by the Supervisory Board once a year or can be done periodically if necessary in accordance with Article 21 of the Minister of Law and Human Rights Regulation on Procedures for Examination of Notaries by the Supervisory Board.

Minutes of Deeds kept by a Notary may be damaged or destroyed due to the deliberate actions of the Notary and *force majeure* that occurs beyond the Notary's control or is unintentional by the Notary, such as being affected by a disaster. If the Minutes of Deeds and other Notary Protocols are damaged or lost due to the Notary himself, then the Notary has violated the obligations stipulated in Article 16 paragraph (1) of the UUJN-P. Meanwhile, Minutes of Deeds that are damaged due to force majeure or natural disasters are not regulated in statutory regulations.

There are 3 (three) legal facts that underlie this research, namely regarding the fire at the Notary and PPAT Office which resulted in the destruction of the deeds kept by the Notaries concerned. The first legal fact, an electrical short circuit occurred and caused a fire at the Notary and PPAT Office (EZ), namely Sunday, March 12, 2023 at 09.20 WIB a fire occurred at the Notary and PPAT Office in a shophouse building with 3 (three) floors on Jalan Kayon B No. 6, Embong Kaliasin, Genteng District, Surabaya City, East Java. The electrical short circuit occurred in the cable from a computer device connected to an electrical plug located on the first floor of the office and caused a fire to arise and spread to the second floor. As a result of the fire, the documents of the minutes of the deeds were damaged and destroyed in the office, specifically on the first floor area (Pambudi 2023) .

The second legal fact, the second legal fact, namely Monday, October 30, 2023 at 11.20 WITA a fire broke out at the Notary and PPAT (NH) Office on Jalan Cemara No. 15, Sanur, South Denpasar. The initial trigger for the fire was caused by an electrical short circuit which initially the electricity could not be used and caused a pungent smell from the ceiling of the house, namely burning electricity. Thus, from the electrical short circuit, a fire caused a fire that caused a fire. As a result of the fire,

the house and the Notary's office were burned down, as well as the deeds kept by NH (Paramasutha 2023).

The third legal fact, on Wednesday, July 13, 2022, at 08.00 WIB, a fire broke out at the Notary and Land Deed Official (FJ) Office on Jalan Jurusan Mempawah No. 8, Galang, Sungai Pinyuh District, Mempawah Regency, West Kalimantan. The cause of the fire was an electrical short circuit in a shophouse owned by (C), which sells gallon water and gasoline. The shophouse had a fragile electrical installation and experienced an electrical short circuit. The fire started on the second floor of the shophouse and spread to adjacent buildings, one of the 27 (twenty-seven) buildings burned, namely the Notary and Land Deed Official (FJ) Office. Bundles of deeds and documents in the Notary and Land Deed Official (FJ) Office were destroyed by fire on the second floor, while on the first floor, some deeds were still saved (Ardiansyah 2022). (Jauhari 2022).

The legal consequences of the destruction of the Minutes of the Deed kept by the Notary due to fire, namely there is a loss for the Applicants. The loss is in the form of the authenticity of the Minutes of the Deed has been lost, where the Applicants if they want a second and subsequent copy of the Deed for the benefit of the Applicants or interested parties in the Deed cannot because the Minutes of the Deed have been destroyed (Tampubolon, Widiowati, and Marniati 2023).

The problem above is that there is a legal vacuum, namely the absence of regulations regarding providing legal protection for the Applicants if the Minutes of the Deed as part of the Notary Protocol are destroyed due to natural disasters or non-natural disasters such as fires and efforts to obtain copies for the Applicants to the Deed due to the destruction of the Minutes of the Deed.

1. Legal Protection for Applicants Regarding Minutes of Deeds as Part of Notary Protocols Destroyed by Fire

A Notary Protocol is a bundle of deeds made and kept by a Notary as regulated in Article 1 number 13 of the UUJN-P which states that, "A Notary Protocol is a bundle of documents which constitute state archives which must be kept and maintained by a Notary in accordance with the provisions of laws and regulations."

The explanation of Article 62 of the UUJN explains what is included in the Notary Protocol, one of which is the Minutes of the Deed. The explanation of Article 62 of the UUJN states that,

"The Notary Protocol consists of:

- a. Minutes of Deed;
- b. Register of deeds or repertory book;
- c. A register of private deeds signed before a notary or private deeds that are registered;
- d. Book of names of the face or clapper;
- e. Protest register book;

- f. Book of wills; and
- g. Other registers that must be kept by a Notary based on the provisions of laws and regulations.”

The concept of authority in the position of Notary, has the following elements: 1) there is power; 2) determined by statutory regulations; and 3) there is an object (HS 2018) . The authority is a person who has the position/profession of Notary and which has been regulated in statutory regulations, and there is an object related to the deed or agreement he made. In addition, the Notary has an obligation to make a deed and keep it as part of the Notary Protocol in Article 16 paragraph (1) of the UUJN-P.

Minutes of Deed or Notarial Deed have legal force that is used as a means of proof (Kumalawati et al. 2017) . Minutes of Deed or Notarial Deed have the potential to be included in vital dynamic archives or called class 1 (one) archives. This vital dynamic archive cannot be replaced with other archives because there is evidence of legal ownership or legal status (Amsyah 1996) . According to the Head of the Archives of the Republic of Indonesia, Mustari Irawan, that the Notary Protocol is part of the vital archives because the Notary Protocol must remain intact and maintained as long as the Notary's office is still running (HRS 2014) .

Maintenance of Minutes of Deed as part of the Notary Protocol which is also included in vital archives is regulated in Article 40 paragraph (2) of the PP on Archiving which states that, "Maintenance of dynamic archives includes maintenance of vital archives, active archives, and inactive archives, both those included in the category of protected archives and general archives." The maintenance of these archives is emphasized for the storage of archives that are correlated with the safe storage of Notary Protocols which is regulated in Article 40 paragraph (3) letter c of the PP on Archiving. The purpose of maintaining archives is to maintain the integrity, authenticity, safety, and security of archives as regulated in Article 40 paragraph (1) of the PP on Archiving.

The legal consequences of the destruction of the Minutes of Deed due to the fire had a direct impact on the Applicants. The Applicants felt a loss related to the rights of the Applicants no longer existed, so that an interest owned by the Applicants became unprotected (Fitriana and Lestari 2023) . Furthermore, the Minutes of Deed have perfect evidentiary power, if the Minutes of Deed are destroyed, their evidentiary power is gone. If the Minutes of Deed are destroyed, the authenticity of the Minutes of Deed is no longer there (Putra, Winarno, and Sudjito 2021) . However, the legal force of the Copy of the Deed issued after the Minutes of Deed are completed remains the same or equivalent to the Minutes of Deed.

There are 3 (three) types of legal discovery methods, namely *Argumentum per analogiam*; *Argumentum a Contrario* ; and Legal Narrowing. In this study, the author

uses the legal discovery method with *argumentum per analogiam* which can find a positive interpretation regarding legal protection by Notaries for Applicants regarding Minutes of Deeds destroyed by fire. The *argumentum per analogiam method* according to Soeroso in his book, can produce a broad interpretation of the law or the application of legal provisions. The legal provisions in question, namely regarding the form of legal protection provided by Notaries for Applicants regarding Minutes of Deeds destroyed by fire (Soeroso 2004) . In order to find mechanisms or steps for legal protection in achieving legal certainty, that Applicants have civil rights that must be protected in the Minutes of Deeds, where the Minutes of Deeds have perfect evidentiary power in Court.

Legal protection is regulated in Article 28D paragraph (1) of the 1945 Constitution, where everyone has the right to receive legal protection and equal legal certainty before the law. Legal protection according to Harjono in his book, is legal protection for certain interests for the legal rights owned by a person. The purpose of legal protection for the Applicants is so that the interests of the Applicants or other interested parties in their legal status remain properly maintained and the Applicants receive legal certainty which is one of the elements of legal protection according to Simanjutak. This is in accordance with the purpose of protection according to Hadjon in his book (Hadjon 1987) .

Article 1889 paragraph (2) of the Civil Code states that, "(2) a copy made after the issuance of the first copy without the intermediary of a Judge or without the consent of both parties, either by the Notary in whose presence the deed was made, or by a substitute or by an employee who, due to his position, keeps the original deed (minutes) and is authorized to provide copies, can be accepted by the Judge as perfect evidence if the original deed has been lost." This article can be constructed using the *Argumentum per analogiam method* , namely that a Copy of the Deed will still have the same legal force as the Minutes of the Deed even if the Minutes of the Deed have been destroyed. However, a Notary can submit a Request for Determination to the local District Court in the case of a Request to re-make the Minutes of the Deed based on the existence of a Copy of the Deed kept by the Applicants with the consent of the Applicants and also the Minutes of the Deed have been reported destroyed due to fire as evidenced by a Police report and a report issued by the MPD regarding the truth that the Notary's office experienced a fire due to *force majeure*, namely an electrical short circuit and approved by the District Court Judge.

Notaries are required to provide repressive legal protection aimed at protecting the rights of the Applicants, namely the Notary concerned is required to report to the local Indonesian Police because the Minutes of the Deed that were destroyed are important state archives and are included in vital archives that should be well maintained. The report given by the Notary to law enforcement, namely the Police,

is a law enforcement agency that provides law enforcement in relation to legal protection (Rangkuti 2023) .

After the report of the fire that resulted in the destruction of the deeds stored in the Notary's office, the Notary's efforts were to contact the Applicants who had appeared before the Notary in question to have a Notarial Deed made. In this effort, the Notary provided direct protection in the form of an offer to make a new deed and a statement of the revocation of the previous deed due to the destruction of the deed due to the fire. The creation of a new deed, where the Applicants had not yet received a Copy of the Deed guided by the Minutes of the Deed that had been destroyed due to the fire.

Furthermore, the Notary in proving that he has good faith to provide protection to the Applicants as his clients, the Notary is obliged to notify the Regional Supervisory Board (MPD) in the area where the Notary is serving, where the notification is in the form of a Police Report or Statement regarding a fire incident at the Notary's office which resulted in the Minutes of Deed being destroyed due to a *force majeure fire* (due to an electrical short circuit). The notification is used as an examination for the MPD which is shown by the results of a forensic laboratory. Then, the MPD will notify the Regional Supervisory Board (MPW) and the Central Supervisory Board (MPP). The purpose of the Notary in notifying the Notary Supervisory Board is that the Notary's office in question did indeed experience a fire due to an electrical short circuit (Fitriana and Lestari 2023) . One of the duties of the Secretary of the Examination Board is to issue an examination report as regulated in Article 12 letter d of the Minister of Law and Human Rights Regulation on Procedures for Examination of Notaries by the Supervisory Board, which is supported by a report or Police Statement regarding the destruction of the Minutes of Deeds stored by the Notary concerned which was caused by a fire due to an electrical short circuit, where the issuance of the minutes aims to prove that a fire actually occurred and resulted in the destruction of the Notary Protocol, namely the Minutes of Deed stored in the Notary's office (Fitriana and Lestari 2023) . In this case, the Notary can make a decision from the court in the area where he works to have legal force regarding the destruction of the Minutes of Deeds due to a fire that occurred due to an electrical short circuit, not due to deliberate action on the part of the Notary. After the certificate of destruction of the Minutes of the Deed due to fire beyond the Notary's control, it can be reported to the Regional Office of Law and Human Rights of the Republic of Indonesia where the Notary's office is located, in this case the Minister of Law and Human Rights of the Republic of Indonesia (Sya'bana 2023) .

Regarding the Minutes of the Deed which are damaged or destroyed, the Notary can be held responsible for submitting a request for a Judge's decision at the District Court where the Notary works, in which case the Notary can remake the Minutes

of the Deed as needed by the Applicants and the Minutes of the Deed which are remake have binding legal force for the Applicants or heirs and those interested in the deed.

A Notary may submit a Request for Determination to the local District Court in the case of a Request to remake the Minutes of the Deed based on the existence of a Copy of the Deed kept by the Applicants and also the Minutes of the Deed have been reported destroyed by fire with evidence of a Police report and minutes issued by the MPD regarding the truth that the Notary's office experienced a fire due to *force majeure*, namely an electrical short circuit and approved by the District Court Judge. The Notary as the Applicant requests a decision from the local District Court Judge to be able to remake the Minutes of the Deed on the orders of the Judge and the Applicant submits a request regarding the Minutes of the Deed to be remade which has permanent and binding legal force, so that it can be placed back in the bundle of Minutes of the Deed files which will be stored by the Notary as it should be.

2. Efforts to Obtain Copies of the Deed for Applicants After the Deed Minutes Were Destroyed Due to Fire

A copy of the Deed is regulated in Article 1 number UUJN-P which states that, "A copy of the Deed is a word for word copy of the entire Deed and at the bottom of the Copy of the Deed there is a phrase given as a COPY which has the same sound.", which also refers to Article 38 UUJN-P. The Notary provides efforts to the Appearers, as the phrase efforts according to Peter Salim and Yenny Salim in their book that efforts are the main tasks that must be carried out by a person or group (Salim and Salim 2002). The definition of efforts related to the Notary's efforts, that the Notary has an obligation that must be carried out to provide the rights of the Appearers in providing a Copy of the Deed. A copy of the Deed can be read or given by the Notary, if the Minutes of the Deed have been signed by the Applicants, a minimum of 2 (two) Witnesses from the Notary's employees or Witnesses from the Applicants who have been introduced to the Notary, and the Notary's signature and stamp/stamp as regulated in Article 56 paragraph (1) UUJN which states that, " *Original Deeds* , Grosse Deeds, Copies of Deeds or Extracts of Deeds issued by a Notary must be stamped/stamped."

The contents of the Copy of the Deed are based directly on the Minutes of the Deed, the writing contained in the Minutes of the Deed has legal force, so the contents of the Copy of the Deed must be the same as what is written in the Minutes of the Deed. A Copy of the Deed has a limited nature, where it can be given to people as Applicants or Applicants who have an interest in the Copy of the Deed, but not only Applicants, a Copy of the Deed can be intended for heirs or people who obtain rights due to the occurrence of legal acts in the

Minutes of the Deed (Priyandini 2018) . This is regulated in Article 54 paragraph (1) UUJN-P.

The evidentiary power of a copy of a deed or a photocopy of a copy of a deed that has been legalized has perfect evidentiary power which is linked to Article 1888 of the Civil Code which states that,

"The power of proof in a written document lies in the original deed. If the original deed exists, copies and extracts are only reliable to the extent that they correspond to the original, which can always be ordered to be produced."

Article 1888 of the Civil Code above shows that a copy of a deed has perfect evidence if its contents can be equated with the minutes of the deed or the original deed. The minutes of the deed are the main "life" in a notarial deed, where without the minutes of the deed, there will be no copy of the deed or an extract of the deed. The copy of the deed is made after the minutes of the deed have been completely signed by the parties, witnesses, and the notary concerned, namely there is a sentence that confirms such as "This minutes of the deed has been completely signed by the parties" (Dalfi 2020) (Priyandini 2018) .

If the Minutes of the Deed are damaged or destroyed due to *force majeure* such as fire, the authenticity of the deed is no longer there, but a Copy of the Deed still has the same legal evidentiary force as the Minutes of the Deed (Putra et al. 2021). Furthermore, if a Copy of the Deed does not have Minutes of the Deed, the similarity of the content and its legal certainty can be questioned (Winarno 2016).

The minutes of the deed reported by the Notary are the Monthly Report of the Notary Deed List through the website on the Notary Reporting Application (APN) created by the Notary Supervisory Council of the Republic of Indonesia (MPN RI) and the website of the Directorate General of General Legal Administration (Ditjen AHU) owned by the Ministry of Law and Human Rights for legal entities such as Limited Liability Companies (PT), Foundations, and Perbundel (Surya, Yadnya, and Budiarta 2023). Then, there is the Business Entity Administration System (SABU) owned by the Directorate General of AHU for Commanditaire Vennotschaap (CV), Firma, and Civil Partnership online with a deadline no later than the specified date each month after the Copy of the Deed has been made. The reporting in question is in the form of, monthly number, nature of the deed (title of the deed), deed number and date of the deed, and the name of the appearing party and/or represented/authorized person concerned in the deed (Chensita and Murjiyanto 2021). Therefore, it can be proven that the Copy of the Deed was made based on the Minutes of the Deed recorded on the APN and AHU Directorate General websites. Another requirement is that the Copy of the

Deed is the first Copy of the Deed provided by the Notary after the Minutes of the Deed have been signed by the Applicants, the Notary, and 2 (two) Witnesses.

Article 1338 *in conjunction with* Article 1320 of the Civil Code affirms that the law does not apply retroactively to legal acts, namely agreements agreed upon by the Applicants. Applicants who have an interest in the Copy of the Deed that has been provided by the Notary, can file a lawsuit in the local District Court, which aims to ensure that the Copy of the Deed remains valid and the legal acts therein also remain valid and binding, the contents of which are the same as the Minutes of the Deed or the original Deed before the District Court Judge (Adjie 2018) .

The applicant may file a lawsuit in court against the copy of the deed he owns, to maintain the legal force of the copy of the deed, which is also regulated in Article 1889 points 1 and 2 of the Civil Code, which states that,

"If the original title deed is no longer available, then a copy provides evidence with the following provisions:

1. The first copy (gross) provides the same evidence as the original deed; Likewise, the rights are to copies made by order of the Judge in the presence of both parties or after both parties have been legally summoned, as are copies made in the presence of both parties with their consent;
2. A copy made after the issuance of the first copy without the mediation of a Judge or without the consent of both parties, either by the Notary in whose presence the deed was made, or by a substitute or by an employee who, because of his position, keeps the original deed (minut) and is authorized to provide copies, can be accepted by the Judge as perfect evidence if the original deed has been lost."

The article above confirms that, if the copy of the Deed which has been legally issued by the Notary after the Minutes of the Deed has been destroyed, then the Applicant can file a lawsuit in the District Court (or make it on the order of the Judge) and the copy is made known to the Applicants who are interested. (Harahap 2007) . This explanation means that a copy of the deed remains legally valid by going through a lawsuit procedure in court which is directly validated by the judge (Taslim 2021) . The process of filing a lawsuit in the District Court against the validation of a copy of the deed by the Applicant, namely:

1. The Applicants or heirs and those who have an interest in the Deed by attaching a Power of Attorney, as Plaintiff who registers the submission of a regular civil lawsuit at the local District Court regarding the Validation of a Copy of the Deed. The Defendant is the Notary concerned;

2. The Applicants as Plaintiffs submitted a written lawsuit according to the provisions of Article 118 paragraph (1) *of the Indonesian Laws* (HIR) which states that,

"Civil lawsuits which at the first level fall within the scope of the District Court's authority must be submitted with a letter of request (lawsuit letter) signed by the Plaintiff, or by his representative according to Article 123, to the Head of the District Court at the Defendant's place of residence, or if his place of residence is unknown, to the Head of the District Court at his actual place of residence."

The lawsuit letter is signed by the Applicants or their representatives based on a Special Power of Attorney and is given the date and complete details of the identities of the Plaintiff and Defendant (Sutantio and Oeripkartawinata 2019) ;

3. The lawsuit letter is registered with the local District Court Clerk's Office and the court fees as determined by the Plaintiff are paid and a copy of the deed that has been legalized by a Notary has been previously provided based on the Deed Minutes guidelines, where the Deed Minutes have not been destroyed by fire.
4. Waiting for a summons from the local District Court for the Plaintiff (Appearing Parties) and Defendant (the Notary concerned) and attending the trial according to the predetermined schedule;
5. The Civil Lawsuit in determining the ratification of the Copy of the Deed is carried out by a Single Judge who is also attended by the Parties, namely the Plaintiff and Defendant.

The ratification of the Copy of the Deed through the Lawsuit stipulates that the Copy of the Deed that has previously been legalized by a Notary has binding legal force even though the Minutes of the Deed have been destroyed by fire. The rights of the Applicants and interests in the Copy of the Deed are still valid as agreed by the Applicants in writing.

CONCLUSION

1. There are three legal facts, namely: a fire incident at the Notary and PPAT (EZ) Office in Surabaya City, East Java; the Notary and PPAT (NH) Office in Sanur, South Denpasar; and the Notary and PPAT (FJ) Office in Sungai Pinyuh District, Mempawah Regency, West Kalimantan. These three legal facts resulted in the destruction of the Minutes of Deeds kept by the Notary. Legal protection for the Applicants regarding the destroyed Minutes of Deeds, namely the Notary concerned is obliged to report to the local Indonesian Police because the Minutes of Deeds were destroyed due to fire. Then the Notary is obliged to notify the MPD in the area where the Notary is serving, where the notification is in the form of a Police Report or Statement regarding the fire incident at the Notary's office.

The Notary can submit a request for a decision from the local District Court to request the re-creation of the Minutes of Deeds that have been destroyed due to fire. Copies of the Deeds kept by the Applicants still have the same legal force as the Minutes of Deeds even though the Minutes of Deeds have been destroyed.

2. Efforts to obtain a copy of the deed for the parties appearing, namely the parties appearing can file a lawsuit in court against the copy of the deed they have, is also regulated in Article 1889 numbers 1 and 2 of the Civil Code, this article confirms that the parties appearing can file a lawsuit with a notary at the local district court, to obtain ratification of the copy of the deed that has previously been legalized by the relevant notary so that its legal force is still binding for the interested parties in the copy of the deed.

SUGGESTION

1. For the Government, specifically the Ministry of Law and Human Rights (Kemenkumham) in terms of legal protection for the Applicants regarding the fulfillment of their civil rights in the event of the destruction of the Minutes of Deed which causes losses for the Applicants, so that it requires a regulation or norm that can be enforced procedurally. Then, it is hoped that the Kemenkumham can add a reporting procedure accompanied by documents in the form of *soft files* on the website of the Directorate General of AHU in an effort to preventative protection if the Minutes of Deed are lost/damaged/destroyed due to natural disasters or non-natural disasters.
2. For Notaries as Public Officials, it is expected that the Notary keeps the Minutes of Deed bundle as part of the Notary Protocol and also vital archives must be in a fireproof cabinet or fireproof treasure, and a safe that has a sealed dynamic archive vault door that has a fire resistance of up to 2-6 hours from a fire disaster. Then, the Notary can provide a photocopy of the Copy of the Deed when the first Copy of the Deed is given to the Applicants. The photocopy of the Copy of the Deed has also been legalized by the Notary concerned. In addition, it is intended for the Indonesian Notary Association (INI) to be able to create internal regulations regarding legal protection for Applicants if the Minutes of the Deed are destroyed or damaged by fire or other disasters so that the Notary has a legal umbrella. Then, it is expected that the Notary can *scan* the Minutes of the Deed and save the file in PDF format on a *hard disk* that is stored separately in the Notary Protocol safe.
3. employees or *staff* are expected not to place or stack Minutes of Deeds prepared by the Notary on the table in an unsafe manner. Completed Minutes of Deeds must be returned immediately and stored in a fireproof cabinet or safe. They are also expected to safeguard and maintain the Minutes of Deed bundle and other Notary Protocols in accordance with statutory regulations.
4. For the community, it is hoped that the community, especially as Applicants or

heirs or people who have an interest in the deed, can keep a copy of the deed, both the first copy of the deed and the second copy of the deed and so on, which have been legalized safely and securely, so that if at any time problems occur as in this research, they can be accounted for properly.

REFERENCES

- Adjie, Habib. 2009. *Indonesian Notary Law* . Second. Edited by A. Gunarsa. Surabaya: PT Refika Aditama.
- Adjie, Habib. 2018. *Understanding and Mastering the Theory of Notarial Deeds: Various Initial Deeds, Comparisons, and Endings of Notarial Deeds* . Second. Edited by RF Ramadhan and Rahayuningsih. Semarang: Duta Nusindo Semarang.
- Amsyah, Zulkifli. 1996. *Archival Management* . Seventh Edition. Edited by S. Ali. Jakarta: PT Gramedia Pustaka Utama.
- Asikin, Zainal. 2012. *Introduction to Legal Science* . First. Jakarta: Rajawali Pers.
- Basuki, Sulisty. 2003. *Dynamic Archives Management* . Third. Edited by S. Ali. Jakarta: PT Gramedia Pustaka Utama.
- Basuki, Sulisty. 2005. *Dictionary of Archival Terms* . 1st ed. Yogyakarta: Kanisius.
- Hadjon, Philipus M. 1987. *Legal Protection for the People in Indonesia* . First. Surabaya: PT Bina Ilmu Offset.
- Harahap, Yahya. 2007. *Civil Procedure Law: Concerning Lawsuits, Confiscations, and Court Decisions* . 7th ed. Jakarta: Sinar Grafika.
- Heryana, Ade. 2020. "Understanding and Types of Disasters." *Esa Unggul University* 1–8.
- HS, Salim. 2018. *Regulations on the Position of Notary* . First. Edited by Tarmizi. East Jakarta: Sinar Grafika.
- Mertokusumo, Sudikno. 2007a. *Understanding Law: An Introduction* . Fifth. Yogyakarta: Liberty Yogyakarta.
- Mertokusumo, Sudikno. 2007b. *The Discovery of Law: An Introduction* . 2nd ed. Yogyakarta: Liberty Yogyakarta.
- Naja, Daeng. 2012. *Deed Making Techniques* . First. Edited by TP Yustisia. South Jakarta: Pustaka Yustisia.
- Nasution, Muhammad Faisal. and "Responsibilities of Givers and Receivers
- Prajitno, Andi. 2020. *Practical Knowledge about What and Who is a Notary in Indonesia?* 6th ed. edited by MS Surabaya: CV. Perwira Media Nusantara (PMN).
- Qamar, Nurul, Muhammad Syarif Nuh, Dachran Busthami, Aan Aswari, Hardianto Djanggih, and Farah Reza. 2017. *Legal Language* . 1st ed. Jakarta: Mitra Wacana Media Publisher.
- Rahardjo, Satjipto. 2009. *Other Sides of Law in Indonesia* . Third. Jakarta: Kompas.
- Rosalin, Sovia. 2017. *Dynamic Archives Management* . First. Malang: UB Press.

- Salim, Peter, and Yenny Salim. 2002. *Contemporary Indonesian Dictionary* . Third. Jakarta: Jakarta Modern English Press.
- Shidarta, and Darji Darmodiharjo. 2002. *Principles of Legal Philosophy* . 2nd ed. Jakarta: Gramedia Pustaka Utama.
- Soekanto, Soerjono. 2014. *Sociology: An Introduction* . Revised. Jakarta: Rajawali Pers.
- Soeroso. 2004. *Introduction to Legal Science* . 1st ed. Jakarta: Sinar Grafika.
- Subekti. 2014. *Civil Code* . 41st ed. Bandung: PT Balai Pustaka (Persero).
- Sugono, Dendy. 2008. *Indonesian Dictionary* . Jakarta: Language Center, Department of National Education.
- Sutantio, Retnowulan, and Iskandar Oeripkartawinata. 2019. *Civil Procedure Law in Theory and Practice* . 1st ed. edited by R. Mandar Maju. Bandung: CV Mandar Maju.
- General, Ministry of Law and Human Rights of the Republic of Indonesia, Directorate General of Legal Administration. 2024. *Guidebook for the Implementation of Duties and Authorities of the Notary Supervisory Board (MPN)* . East Java: East Java Regional Office of the Ministry of Law and Human Rights.
- Anna, Jestica. 2022. "Understanding Preventive and Repressive Forms of Legal Protection." *adjar.grid.id* . Retrieved December 5, 2023 (<https://adjar.grid.id/read/543542766/mengenal-bentuk-perlindungan-hukum-preventif-dan-represif?page=all>).
- Bagus, Ida, Putra Prawira, I. Ketut Rai Setiabudhi, and Dewa Gde Rudy. 2023. "The Occurrence of Force Majeure in the Storage of Notarial Deed Minutes." *Acta Comitas* 8(01):83–93.
- Chensita, Ivone Tara, and Raden Murjiyanto. 2021. "Electronic Registration of Business Establishment Through the Business Administration System." *Ius Quia Iustum Law Journal* 28(2):396–417. doi: 10.20885/iustum.vol28.iss2.art8.
- Dalfi, Alfin. 2020. "The Practice of Providing Copies of Deeds by Notaries Whose Minutes of Deeds Have Not Been Completely Signed." *Al Hurriyah: Journal of Islamic Law* 5(1):69. doi: 10.30983/alhurriyah.v5i1.2688.
- Derika, Dea. 2020. "The Function of a Notary in Examination of the Applicant's Identity Regarding the Authenticity of a Deed in Connection with the Principle of Prudence." *Syar Hukum: Jurnal Ilmu Hukum* 18(2):173–94. doi: 10.29313/shjih.v18i2.6514.
- Febrianti, Ayu. 2019. "Legal Protection for Clients Whose Minutes of Deeds Were Destroyed by Natural Disasters in Palu City." *Proceedings of the Institution of Mechanical Engineers, Part J: Journal of Engineering Tribology* 224(11):122–30.

- Fitriana, Anida Riska, and Aniek Tyaswati Wiji Lestari. 2023. "Notary's Responsibility for Keeping Minutes of Deeds in the Event of Force Majeure." *Notary Law Research* 4(2):50. doi: 10.56444/nlr.v4i2.4124.
- Heriawanto, Benny Krestian. 2018. "The Obligation to Keep Notary Protocols and Their Legal Consequences According to Indonesian Positive Law." *Legal Arena* 11(1):101–8.
- Head of the Ministry of Defense Education and Training Agency. 2016. "Disaster Prevention and Mitigation." *Journal of Chemical Information and Modeling* 53(9):287.
- Kumalawati, Ivo, M. Khoidin, and Nurul Ghuftron. 2017. "Characteristics of Notarial Deed Minutes as State Archives." *Lex Humana* 1(2):109–37.
- Malindo, Muhamad Nazzib. 2023. "Implementation of Submission of Notary Protocols Over the Age of 25 Years by the Notary Supervisory Board." University of Lampung.
- Merlyani, Dwi, Annalisa Yahanan, and Agus Trisaka. 2020. "The obligation to read authentic deeds by a notary in front of the appearing party using the cyber notary concept." *Repertorium: Scientific Journal of Notary Law* 9(1):36–47. doi: 10.28946/rpt.v9i1.358.
- Mulia, Jingga, Elita Rahmi, and Eko Nuriyatman. 2022. "Notary Protocols as Vital State Archives from the Perspective of Legislation in Indonesia." *Mendapo: Journal of Administrative Law* 3(3):223–41. doi: 10.22437/mendapo.v3i3.18903.
- Muwahid. 2017. "Legal Discovery Method (Rechtsvinding) by Judges in an Effort to Realize Responsive Law." *The Indonesian Journal of Islamic Family Law* 07:2089–7480.
- Notary Protocol for Lost or Damaged Notary Protocols." *Garuda Kemdikbud* 3:1–21.
- Nasution, Novrida Fauziyah. 2018. "Notary Protocols Associated with the Destruction of Archives According to Law Number 43 of 2009 Concerning Archives and According to Doctrine." *Garuda Kemdikbud* 2:1–21.
- Nevatiti, Rediva Indah, and Ana Silviana. 2023. "A Legal Analysis of the Authority and Responsibility of Notaries Regarding Social Services." *Sang Pencerah* 9(3):653–60. doi: <https://doi.org/10.35326/pencerah.v8i4.3315>.
- Priyandini, Astari. 2018. "Legal Status of Copies of Notarial Deeds in the Event of Destruction of Minutes of Deeds." *Justitia Jurnal Hukum* 2(1):66–85.
- Putra, Komang Yogi Triana, Bambang Winarno, and Bambang Sudjito. 2021. "Legal Protection of Notaries Regarding the Loss and Damage of Minutes of Deeds Due to Force Majeure." *De Lega Lata: Journal of Legal Studies* 6(2):281–95. doi: 10.30596/delegalata.v6i2.5074.
- Sari, Ayu Purnama. 2022. "Legal Status of Incomplete Copies of Notarial Deeds from Minutes of Deeds from the Perspective of the Principle of Prudence." *Recital Review* 4(2):474–91.

- Satya Wibowo, Wahyu, Johni Najwan, and Firdaus Abu Bakar. 2022. "The Integrity of Notaries as Officials Making Authentic Deeds in the Notary Position Law." *Recital Review* 4(2):323–52. doi: 10.22437/rr.v4i2.18861.
- Sihotang, Chriswando. 2022. "Efforts of the Women's Empowerment and Child Protection Service (DPPPA) in Preventing Child Violence in Pekanbaru City." *Student Online Journal* 9(1):1–10.
- Sinaulan, JH. 2018. "Legal Protection for Community Members." *IDEAS Journal of Education, Social, and Culture* 04(01):79–84.
- Siti Malikhatun Badriyah. 2017. "The Discovery of Law (Rechtsvinding) and the Creation of Law (Rechtsschepping) by Judges to Realize Justice." *Diponegoro University Journal* 1(1):389.
- Suldani, Muh. Rizal Yudiansyah. 2020. "Legal Protection for Parties Whose Minutes of Deeds Were Lost Following the Natural Disaster (Tsunami) in Palu City, Central Sulawesi."
- Surya, Kadek, Putu Yadnya, and I. Dewa Budiarta. 2023. "The Role of Notaries in Ratifying the Articles of Association of Limited Liability Companies Through the Legal Entity Administration System (AHU Online)." *Vyavahara Duta* 18(1).
- Tampubolon, Gio Vanni, Dijan Widijowati, and Felicitas Sri Marniati. 2023. "The Responsibility of Notaries Who Cannot Show the Minutes of the Deed in the Notary Protocol during Police Examination." *Global Education Scientific Journal* 4(2):532–41.
- Taslim, Yanti. 2021. "Legal Consequences of Minutes of Deeds as Notary Protocols That Are Destroyed in the Issuance of Copies of Deeds." Islamic University of Indonesia.
- Sya'bana, Apriadi. 2023. "Notary's Accountability for Lost Minutes of Deeds." Lambung Mangkurat University.
- Winarno, Dedy Prasetyo. 2016. "Legal Consequences of a Copy of a Notarial Deed that Does Not Conform to the Minutes of the Deed on the Validity of an Agreement." *Legal Arena* 411–27.
- Anand, Ghansam. 2023. "Types of Deeds Made by Notaries." *lawonline.com* 1–2. Retrieved March 22 2024 (<https://www.hukumonline.com/klinik/a/akta-notaris-cl1996/>).
- Ardiansyah, Herry. 2022. "Notary Fam Joehanes' Office Also Burned Down, Some Land Documents Failed to be Saved." *mempawahnews.com*. Retrieved January 2, 2024 (<https://www.mempawahnews.com/2022/07/kantor-notaris-fam-joehanes-ikut.html>).
- Disaster, National Disaster Management Agency. 2020. "Definition of Disaster." *bnbp.go.id*. Retrieved December 5, 2023 (<https://www.bnbp.go.id/definisi-bencana>).

- HRS. 2014. "Notaries Confused About Where to Store Notary Protocols." *hukumonline.com* . Retrieved January 10, 2024 (<https://www.hukumonline.com/berita/a/notaris-bingung-dimana-harus-menyimpan-protokol-notaris-lt532c49f3cbb01/>).
- Hukumonline, Team. 2022. "Legal Protection Theories According to Experts." *hukumonline.com* . Retrieved December 1, 2023 (<https://www.hukumonline.com/berita/a/teori-perlindungan-hukum-menurut-para-ahli-lt63366cd94dcbb/>).
- Hukumonline, Team. 2023a. "Legal Protection: Definition, Elements, and Examples." *hukumonline.com* . Retrieved December 3, 2023 (<https://www.hukumonline.com/berita/a/perlindungan-hukum-lt61a8a59ce8062/?page=3>).
- Hukumonline, Team. 2023b. "Preventive and Repressive Efforts in Law Enforcement." *hukumonline.com* . Retrieved December 10, 2023 (<https://www.hukumonline.com/berita/a/upaya-preventif-dan-represif-dalam-penegakan-hukum-lt63e0813b74769/?page=2>).
- Jauhari. 2022. "Major Fire Destroys Dozens of Buildings at Sungai Pinyuh Market." *kalbaronline.com* . Retrieved January 8, 2024 (<https://www.kalbaronline.com/2022/07/13/kebakaran-hebat-luluhlantakkan-puluhan-bangunan-pasar-sungai-pinyuh/>).
- Pambudi, Luhur. 2023. "The Cause of the Notary's Office Fire in Surabaya Revealed, Which Destroyed Hundreds of Millions of Rupiah in Documents." *tribunjatim.com* .
- Paramasutha, I. Gede. 2023. "Notary and PPAT Office in Sanur Fire Caused by Electrical Short Circuit." *baliexpress.jawapos.com* . Retrieved November 16, 2023 (<https://baliexpress.jawapos.com/bali/673203508/dipicu-korsleting-listrik-kantor-notaris-dan-ppat-di-sanur-kebakaran>).
- Purnamasari, Irma. 2015. "Notarial Deed as an Authentic Deed." *hukumonline.com* . Retrieved (<https://www.hukumonline.com/klinik/a/akta-notaris-sebagai-akta-autentik-lt550c0a7450a04>).
- Rangkuti, Maksum. 2023. "Legal Protection in Indonesia: Definition, Aspects, Elements, and Examples." *fahum.umsu.ac.id* . Retrieved December 7, 2023 (<https://fahum.umsu.ac.id/perlindungan-hukum-indonesia-pengertian-Aspek-unsur-dan-contoh/>).
- Tobing, Letezia. 2016. "Legal Sanctions If a Notary Removes the Minutes of a Deed." *hukumonline.com* . Retrieved December 11, 2023 (<https://www.hukumonline.com/klinik/a/sanksi-hukum-jika-notaris-menghilangkan-minuta-akta-lt51b82d11b75fa>).

- Wahyuni, Willa. 2022. "Force Majeure in Indonesian Law." *hukumonline.com* . Retrieved November 14, 2023 (<https://www.hukumonline.com/berita/a/force-majeure-dalam-hukum-indonesia-lt637dd976b73fc/?page=all>).
- Widiyana, Esti. 2023. *Notary's Office in a Shophouse on Jalan Kayon Surabaya Burns Down* . Surabaya.
- Subekti. 2014. *Civil Code* . 41st ed. Bandung: PT Balai Pustaka (Persero).
- Indonesia, Central Government, 2004. Notary Law, Law No. 30 of 2004, (LN. 2004/No. 117, TLN No. 4432 LL SETNEG: 34 PAGES).
- Indonesia, Central Government, 2014. Amendment to the Notary Law, Law No. 2 of 2014, (LN.2014/No. 3, TLN No. 5491, LL SETNEF: 31 PAGES).
- Indonesia, Central Government, 2007. Disaster Management Law, Law No. 24 of 2007, (LN.2007/No. 66, TLN No. 4723, LL SETNEG: 34 PAGES).
- Indonesia, Central Government, 2009. Archives Law, Law No. 43 of 2009, (LN.2009/No. 152, TLN No. 5071, LL SETNEG: 52 PAGES)
- Indonesia, Central Government, 2012. Government Regulation on the Implementation of the Archives Law, PP No. 28 of 2012, (LN. 2012 No. 53, TLN No. 5286, LL SETNEG: 84 PAGES)
- Indonesia, Ministry of Law and Human Rights, 2020. Regulation of the Minister of Law and Human Rights on Procedures for Supervisory Board Examination of Notaries, Regulation of the Minister of Law and Human Rights No. 15 of 2020, (BN.2020/No. 545, Peraturan.go.id: 25 Pages).
- Indonesia, Notary Association, 2015. Changes to the Notary Code of Ethics in Banten 29-30 May 2015.