

Legal Position and Health Rights of Adopted Children with Different Parents of Citizenship in the Legal System in Indonesia

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ABSTRACT

The importance of the registration of adoption is that the adopted child protection. The importance of the protection of children raised, namely, as an adopted child or a child is the subject of law and therefore may impose any parent well is, couples foreigners (foreign citizens) with foreigners or citizen (Citizen Indonesia) with citizen and foreign citizen (Citizen foreign) and citizen (Citizen Indonesia) are required to register the children raised , in order to provide protection for the child in terms of rights in inheritance and obtain legal standing.

ABSTRAK

Pentingnya melakukan pendaftaran dalam pengangkatan anak adalah agar anak angkat tersebut mendapatkan perlindungan. Pentingnya perlindungan bagi anak yang diangkat yaitu, karena anak angkat atau anak merupakan subjek hukum maka dari itu di haruskan setiap orangtua baik merupakan, pasangan WNA (Warga Negara Asing) dengan WNA ataupun WNI (Warga Negara Indonesia) dengan WNI dan juga WNA (Warga Negara Asing) dengan WNI (Warga Negara Indonesia) diwajibkan mendaftarkan anak yang diangkatnya, agar dapat memberikan perlindungan bagi anak tersebut dari segi hak dalam mendapatkan warisan dan memperoleh kedudukan hukum.

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I. INTRODUCTION

Law No. 23 of 2002 concerning Child Protection Article 1 point (9): An adopted child is a child whose rights are transferred from the environment of parental authority, legal guardian or other person who is responsible for the care, education and raising of the child into the family environment of his adoptive parents based on a court decision or court order.

Adoption of a child is a legal act that diverts a child from the environment of parental authority, legal guardian, or other person who is responsible for the care, education and raising of the child, into the family environment of the adoptive parents. The adoption of a child of an Indonesian citizen by a foreign citizen can only be done as a last resort, this is in accordance with what is stated in the Regulations

Government of the Republic of Indonesia Number 54 of 2007 concerning the Implementation of Child Adoption. The adoption of a child is aimed at the best interests of both the child in the context of realizing child welfare and child protection, which is carried out based on local customs and provisions of laws and regulations. In the process of adopting a child, the Minister is assisted by the Advisory Team for Child Adoption Licensing. Although Customary Law equates the rights and position of adopted children with the status of

biological children, the Compilation of Islamic Law does not adapt and make values of Islamic law. This can be read in Article 171 letter h and Article 209, namely: An adopted child is a child who in the care of his daily life, education costs and so on, shifts his responsibilities from his original parents to his adoptive parents based on a court decision.

The validity of the status must also be based on a court decision. Adopted children who do not receive a will are given a mandatory will as much as 1/3 of the inheritance of their adoptive parents. While in the Civil Law contained in the Staatsblad of 1917 No. 129 causes the adopted child to be equated with his own biological child. Thus, it is clear that adopted children can occupy or obtain assets from the inheritance of their adoptive parents.

As for the legal consequences of adopting a child, according to J. Satrio, that the child has a position like a child born from a husband-wife marriage who adopted him and his relationship with the family of origin is broken. Acceptance of adopted children as adoptive families comes not only from the adoptive families, but also from the surrounding community. Starting from what was stated by R. Soeroso, it can be stated that as a result of cultural diversity, differences in the legal consequences of adoption according to customary law are also possible. In other words, the legal consequences of adoption which, according to J. Satrio, release the adopted child's relationship with his or her original parents, do not necessarily occur in all areas of customary law. According to J. Satrio there is a legal consequence of adopting a child, is to provide a stipulation, that adoption causes the adopted child to be in the same position as the legal child of the marriage of the adopting parent, Adoption removes all familial relations with the family of origin, because the legal consequences of adoption cause kinship relations with the family of origin being abolished, this will also result in the law of inheritance, namely, the adopted child no longer inherits from the blood family of origin, on the contrary now inherits from the family of the father and mother who adopted him.

Staatblad 1917 Number 129 stipulates that the legal consequence of the act of adopting a child is Article 11 which reads, "A adopted child legally has the name of the descendant of the person who adopts it". Article 12 paragraph (1) reads, "Adopted children are made as children born to people who adopt. As a consequence, the adopted child becomes the heir of the person who adopts it. Consequently, the adopted child becomes the heir of the adopter. A further consequence is that it is considered to be born of marriage of the person who adopts, then in the family of the adopting parents, the adopted child is a legal child with all further consequences.

The legal position of the adopted child according to the legal system in force in Indonesia states that the adopted child will have dual citizenship according to the new citizenship law, namely Law no. 12 of 2006, making it easier for parents of different nationalities in terms of being able to provide legal protection to biological children and adopted children. The legal consequence of adopting a child is that the child legally obtains the name of the adoptive father, becomes a child born from the marriage of the adoptive parents and becomes the heir of the adoptive parents, so that the adopted child has no relationship with his biological parents.

The protection of adopted children must be carried out by every adoptive parent, to the child to be adopted because of the child's right to obtain a name, identity, and citizenship through birth registration. Similar to birth registration, the registration of adoption in the legal dimension is a protection for children.

II. RESEARCH METHODS

1. Types and Nature of Research

The writing of this thesis uses normative juridical research which is also known as doctrinal legal research. This research is formulated to conduct research with a problem approach in terms of applicable laws and regulations and several supporting theories.

This research is descriptive analysis which means that this research explains and analyzes the problems in legal position and inheritance rights for adopted children from parents of different

nationalities. In this study, the sources used are every legislation relating to inheritance rights and also the legal position of adopted children according to the legal system in Indonesia.

2. Source of Legal Material

- a. Primary legal materials (generally binding legal materials) which consist of:
 - 1) Government Regulation No. 54 of 2007;
 - 2) Law no. 23 of 2002 concerning Child Protection;
 - 3) Staatblaad 1917 Number 129;
 - 4) Law No.1 of 1974 concerning Marriage;
 - 5) Citizenship Law No. 12 of 2006;
 - 6) Supreme Court Circular;
 - 7) Regulation of the Minister of Social Affairs of the Republic of Indonesia No. 110/HUK/2009 concerning Conditions for Adoption of Children;
 - 8) Jurisprudence related to the adoption of a child, the inheritance rights of an adopted child and the position of an adopted child.
- b. Secondary legal materials are those that provide explanations of primary legal materials such as various library materials in the form of books, magazines, research results, papers in seminars, and journals related to this research.
- c. Tertiary legal materials, namely Materials which provides instructions and explanations of primary and secondary legal materials which consist of:
 - 1) Legal Dictionary
 - 2) International and Indonesian Law Dictionary

III. RESULTS AND DISCUSSION

1. Legal Position and Legal Consequences of Adoption

The new citizenship law contains the principles of general or universal citizenship. The principles adopted in this Law are as follows:

- a. The principle of *ius sanguinis* (law of the blood) is the principle that determines a person's citizenship based on descent, not based on the country of birth.
- b. The limited *ius soli* (law of the soil) principle is the principle that determines a person's citizenship based on the country of birth, which is limited to children in accordance with the provisions stipulated in this Law.
- c. The principle of single citizenship is the principle that determines one citizenship for each person.
- d. The principle of limited dual citizenship is the principle that determines dual citizenship for children in accordance with the provisions stipulated in this law.

This law basically does not recognize dual citizenship (*bipatride*) or statelessness (*apatride*). Dual citizenship granted to children in this Act is an exception. Regarding the loss of citizenship of the child, the loss of citizenship of the father or mother (if the child has no legal relationship with the father) does not automatically cause the citizenship of the child to be lost.

Based on this law, children born from the marriage of an Indonesian woman with a foreign man, as well as children born from the marriage of a foreign woman to an Indonesian man, are both recognized as Indonesian citizens. The child will be a dual national, and after the child turns 18 years or already married then he must make his choice. The statement to choose must be submitted no later than 3 (three) years after the child turns 18 or after marriage. The granting of dual citizenship is a positive new breakthrough for children resulting from mixed marriages. However, it is necessary to examine whether the granting of this citizenship will cause new problems in the future or not. Having dual citizenship means being subject to two jurisdictions.

Indonesia has an international civil law system inherited from the Dutch East Indies. In terms of personal status, Indonesia adheres to the principle of concordance, which is stated in Article 16

A.B. (following article 6 of the Dutch AB, which was copied again from article 3 of the French Civil Code). Based on article 16 AB, the principle of nationality is adopted for personal status. This means that Indonesian citizens residing abroad, as long as matters relating to their personal status, remain under the jurisdiction of the Indonesian national law, on the other hand, according to jurisprudence, foreigners residing within the territory of the Republic of Indonesia are used as well as their national laws insofar as it falls within the realm of their personal status.

In Indonesian jurisprudence which includes personal status, among others, divorce, marriage annulment, guardianship of children, legal authority, and authority to take legal actions, regarding names, regarding the status of minors. When examined from the perspective of international civil law, dual citizenship also has potential problems, for example in terms of determining personal status based on the principle of nationality, then a child will be subject to the provisions of his national state. If the provisions between one state law and another do not conflict, then there is no problem, but what if there is a conflict between one state law and another, then the regulation of the child's personal status will follow which state rules. Then what if one provision violates the principle of order? common to the provisions of other countries.

For example, in the case of marriage, according to Indonesian law, there are material and formal requirements that need to be met. When a child who is not yet 18 years old wants to get married, he must meet these two conditions. The material requirements must follow Indonesian law, while the formal requirements must follow the law where the marriage takes place. For example, if the child wants to marry his own uncle (a straight line up blood relationship), based on the material requirements of Indonesian law, this is prohibited (Article 8 of Law No. 1 of 1974), but based on the law of another country giving citizenship, this is permitted. , then which conditions must be followed.

This seems to need to be considered and studied by international civil law experts in connection with this dual citizenship. The author is of the opinion that because the citizenship law is still new, the potential problems that could arise from the dual citizenship issue have not been studied by international civil law experts.

The Civil Code does not clearly regulate the adoption of children in Indonesia because the Civil Code only regulates the recognition of children out of wedlock, which is as regulated in Book 1 Chapter 12 of the third part of the Civil Code, to be precise in articles 280 to 289 which substance regulates the recognition of children. outside of marriage.

The institution for recognizing children out of wedlock is not the same as the institution for adoption. Viewed from the perspective of the person concerned, the recognition of a child out of wedlock can only be done by men, especially the biological father of the child who will be recognized. Whereas in the institution of adoption, the child is not limited to the biological father, but another woman or man who has absolutely no biological relationship with the child can apply for adoption as long as it meets the legal requirements.

Considering that the community's need for adoption has shown an increasing number, in addition to the cultural culture of the indigenous Indonesian people and the Chinese community, which have long practiced child adoption, the Dutch colonial government issued a Staatsblad which specifically regulates the institution of adoption to complement western civil law. Civil Code).

Judging from the Staatbald applicable in Indonesia, it states that boys who have legal standing in Indonesia because of the adoption of boys in Indonesia are legally recognized as biological children, whereas girls do not have legal legal standing in Indonesia if adopted is a girl.

The legal consequences of adopting a child also have an impact on guardianship and inheritance.

a. Guardianship

In the case of guardianship, since the decision is pronounced by the court, the adoptive parents become the guardians of the adopted child. Since then, all the rights and obligations of the biological parents have been transferred to the adoptive parents. Except for an adopted daughter who is Muslim, if she is going to get married, the only ones who can become her marriage guardian are her biological parents or blood relatives.

b. Inheritance

Our legal treasures, both customary law, Islamic law and national law, have provisions regarding inheritance rights. All three have the same power, meaning that a person can choose which law will be used to determine inheritance for adopted children.

c. Customary Law

When using customary institutions, the determination of inheritance for adopted children depends on the applicable customary law. For a parental family, such as Javanese custom, adoption does not automatically break the family ties between the child and his biological parents. Unlike in Bali, adoption of a child is a legal obligations that release the child from his original family into his adoptive family.

d. Islamic Law

Adoption of a child does not bring legal consequences in terms of blood relations, guardian-guardian relationships and inheritance relationships with adoptive parents. He remains the heir of his biological parents and the child continues to use the name of his biological father.

e. Laws and regulations

There are two ways of obtaining inheritance according to civil law, namely:

- 1) As an heir according to the law or abintestato.
- 2) Because it was appointed in a will (Testament).

The law divides the heirs in this group into 4 (four) groups, namely: the first, second, third and fourth groups. They are classified as follows:

- 1) The first group is regulated in Articles 852, 852a, of the Civil Code consisting of children or their descendants and husband or wife.
- 2) The second group is regulated in Articles 854, 856, 857 of the Civil Code consisting of parents, namely father or mother and brothers or their descendants.
- 3) The third group is regulated in Article 853, the Civil Code consists of grandfather or grandmother from the father's side and so on and above and grandfather or grandmother from the mother and so on upwards.
- 4) The fourth group consists of other blood families in a sideways line up to the 6th (sixth) degree of Articles 856, 861 of the Civil Code. Inappropriate heirs according to Article 838 of the Civil Code:
 - a) Those who have been punished for having killed or attempted to kill the heir.
 - b) Those who by the judge's decision have been blamed for slanderously having committed a crime that is punishable by imprisonment for 5 years or more.
 - c) Those who by force or action have prevented the testator from making or revoking a will.
 - d) Those who have embezzled, damaged, falsified the testator's will.
 - e) Meanwhile, the heirs who according to the will which are declared inappropriate according to Article 912 of the Civil Code are: Those who have been punished for killing the heir, Those who have embezzled, destroyed or falsified the heir's will and Those who by force or violence have prevented the testator to revoke or amend the will.

As for the reference in inheritance law according to civil law (KUHPerdata), namely Article 1066 of the Civil Code which reads:

- 1) In the event that a person has the right to a part of a group of property, that person is not forced to let the property remain undistributed among the people who are jointly entitled to it.
- 2) This division of property can always be demanded even though there is an agreement that is contrary to it.
- 3) It can be agreed that the distribution of the property is deferred for a certain period of time.

- 4) Such an agreement can only be valid for five years but can be made again if the five-year grace period has passed.

2. Inheritance Rights for Adopted Children

Because there is no firm and clear arrangement regarding the letter of heir, then among the notaries themselves there are two opinions about the form and conditions for making an inheritance letter by a notary, namely:

First Opinion:

- a. The heirs come to the notary to ask for a letter of inheritance from the notary on the death of the testator;
- b. The notary asks the heirs to make an affidavit of heirs' testimony which contains the information about the whereabouts of the heir during his lifetime. Generally the make and sign a statement letter is a minimum of two witnesses who are approximately the same age as the testator and in the form of a statement of testimony the heirs can also know and sign the statement letter. Statements of heirs' testimonies generally take two forms, namely statements made by the witnesses themselves (underhand) and deed statements by witnesses before a notary (notary deed);
- c. Then the notary shall ask the Center for the List of Wills of the Ministry of Law and Human Rights which contains questions about whether or not the heir has made a will;
- d. On the basis of these matters, the notary then makes a certificate of heirs. The nature of the inheritance letter in this case is a certificate from a notary issued by a notary in its original form (in originali).

Second Opinion:

The heirs come before the notary to make a statement about the heirs accompanied by two witnesses and then the notary puts it in the deed of statement before the notary first asks the Center for the List of Wills of the Department of Law and Human Rights about whether or not the heir makes a will. The nature of this letter of inheritance is a deed of statement of heirs, which is made in the form of a minutes of deed and issued by a notary in the form of a copy of the deed of statement of heirs (notary deed).

Based on the provisions in the Staatsblad 1917, men are married and have no male offspring in the male line, while those who can be adopted as children are only boys who are not married and who have not been adopted by others as adopted children. The adopted child then uses the surname of the descendants of his adoptive parents and has the same legal position as the biological child of his adoptive parents and the legal relationship between the adopted child and his biological parents is cut off.

Normally, that kind of adoption is an act which equates the position of adopted children with biological children, both in terms of maintenance and in terms of inheritance. Meanwhile, the family relationship with one's own parents according to Article 12 of the Staatsblad 1917 No.129 is to be broken. Likewise, the relation with civil relations between parents and their relatives on the one hand is also completely cut off (Article 14), with the exception stated in Article 14 if the adopted child has the surname of the adopting father. As has been explained also in Articles 11,12,13 and 14 of the Staatsblad 1917 NO. 129 that:

- 1) Adopted children get clan descendants from their adoptive parents.
- 2) The adopted child is considered to be born from the marriage of the adopting husband and wife, so that it is considered a legitimate child
- 3) The civil relationship between the adopted child and biological/biological parents is aborted.

According to Article 830 of the Civil Code, that is, inheritance only takes place because of death, thus inheritance is only opened if the heir has died. So in this case there must be people who die as heirs of inheritance and heirs who are still alive as recipients of the inheritance and also the inheritance that will be distributed to the heirs. There are two ways of obtaining inheritance according to civil law, namely:

- 1) As an heir according to the law or abintestato.
- 2) Because it was appointed in a will (testament).

Article 832 of the Civil Code stipulates that those who are entitled to become heirs are blood relatives and those who have a marital relationship (husband and wife) with the testator. They are like their children or descendants, fathers, mothers, grandfathers, grandmothers and their ancestors and above, brothers or their descendants and husbands or wives. The law divides the heirs in this group into 4 (four) groups, namely: the first, second, third and fourth groups. They are classified as follows:

- 1) The first group is regulated in Articles 852, 852a, of the Civil Code consisting of:
 - a. children or descendants,
 - b. Husband or wife.
- 2) The second group is regulated in Articles 854, 856, 857 of the Civil Code consisting of:
 - a. Parents, i.e. father or mother,
 - b. Siblings or descendants.
- 3) The third group is regulated in Article 853, the Civil Code consisting of:
 - a. Grandfather or grandmother from the paternal side and so on and above,
 - b. Maternal grandparents and so on upwards.
- 4) The fourth group consists of other blood relatives in a sideways line up to the 6th (sixth) degree of Articles 856, 861 of the Civil Code.

The arrangement regarding who has the position as heir has been determined based on heredity or blood/ab-intestato relationship and is based on Testamener Erfrecht. The adopted child does not have a straight line kinship or blood relationship with the Adoptan. Along with the existence of the new regulation, namely the Supreme Court Circular No. 6/1983 Jis Law no. 23/1992 Jo. Government Regulation No. 54/2007 which is associated with the understanding of the Civil Code regarding the position of children outside of marriage, then an adopted child is a child outside of marriage recognized by law. The logical consequence of this arrangement is that the child has a position as an heir as stipulated in Article 852 of the Civil Code.

This implies that the adopted child has a position as a Legitimie Portie over all forms of Inheritance and as an absolute Heir. Because in essence, child protection in the field of civil law includes many legal aspects, including:

- a. The position of the child,
- b. Child confession,
- c. Adoption of a child (adoption),
- d. Maturity,
- e. Custody (rights and obligations) of parents to children,
- f. Revocation and restoration of parental custody,
- g. Trusteeship (including inheritance),
- h. Regulatory measures that can be taken for the protection of children,
- i. Living expenses of children borne by parents due to divorce (alimentation).

Basically, inheritance is a legal act that arises because of a legal event, which in the rule of law is regulatory, thus the provisions of Article 852 of the Civil Code is a form of right to inherit the inheritance of an adopted child that has been legally recognized by law.

3. Legal Protection for Adopted Children

Getting protection is the right of every child, and the realization of protection for children means the realization of justice in a society. This assumption is reinforced by the opinion of Age, who has correctly stated that "protecting children is essentially protecting the family, society, nation and state in the future". From this expression, it can be seen how important child protection efforts are for the survival of the future of a community, both the smallest community, namely the family, and the largest community, namely the state. This means that by seeking protection for children, these communities have not only enforced children's rights, but also have invested in their lives in the

future. Here, it can be said that there has been a symbiotic mutualism between the two. Based on the Convention on the Rights of the Child in 1989, it is the right of a child to obtain a name, identity and citizenship through birth registration. Similar to birth registration, the registration of adoptions in the legal dimension is a protection for children. The state and the government are obliged and responsible for respecting and guaranteeing the human rights of every child regardless of ethnicity, religion, race, class, gender, ethnicity, culture and language. , the legal status of the child, the order of the child's birth, and the physical and/or mental condition. In addition, the State and the government are also obliged and responsible for providing support for facilities and infrastructure in the implementation of child protection and supervising the activities in question.

In this regard, the adoption of a child is one of the important events to be recorded in the civil registration register. What is meant by Important Events according to Article 1 number 17 of the Law of the Republic of Indonesia No. 23 of 2006 concerning Population Administration is an event experienced by a person including birth, death, stillbirth, divorce, child recognition, ratification of children, adoption of children, change of name and change of citizenship status, while Article 1 paragraph 7 provides the understanding that the Implementing Agency is a regency/municipal apparatus which is responsible and authorized in the affairs of Population Administration. The definition of Civil Registration according to Article 1 point 15 is: the recording of important events experienced by a person in the civil registration register by the work unit that manages population registration and civil registration. Specifically regarding the registration of child adoption, it must be proven by a copy of the approval from the district court, namely court decisions (especially for non-Muslims) and religious court decisions (especially for Muslims).

As a basis for making marginal notes on the quotation of the adopted child's birth certificate. Thus, the adopted child does not have two birth certificates, but only one with additional marginal notes which are notes regarding the change in status of the occurrence of important events in the form of notes placed on the edge of the deed or on the possible part of the deed (on the front or back page). deed) by the Civil Registrar. The essence of the explanation above is that the Government is responsible for the protection of the rights of adopted children through the registration of adoptions. Adoptive parents are expected to register the adoption of the child, which has received a court order, which is then in the civil registration dimension in the form of making marginal notes in the Birth Certificate Quotation. The marginal note on the birth certificate quote is legal evidence for the civil status of an adopted child.

It is hoped that the government can implement the enactment of Law no. 23 of 2006 concerning Population Administration and Government Regulation of the Republic of Indonesia No. 54 of 2007 concerning Adoption of Children through the Draft Regional Regulation so that it touches the needs of adopted children and adoptive parents in Maluku Province, especially in the Ambon City Government through the implementing agency, namely the Population and Civil Registry Service which Jean K. Matuankota, Legal Protection for Adopted Children has the authority to register and issuance of civil registration documents. Participation and cooperation between the government and non-governmental organizations that care about children's problems in helping to provide understanding through various child care forums about the importance of granting legal status to adopted children, as well as efforts to increase awareness of adoptive parents and the community through counseling, socialization and counseling as well as various other activities are expected to be a solution to the problem of solving the problem of legal protection for adopted children related to the granting of their legal status in the province of Maluku specifically. the sus in Ambon City.

In making an inheritance letter, there are many things that must be considered by a notary in connection with aspects of the legal protection of the inheritance rights of adopted children, which are subject to the provisions stipulated in the Civil Code. The things that need to be considered in making the letter of inheritance include:

- a. Who are the heirs of the heir;
- b. Has the heir in his life ever adopted a child?

- c. Has the heir in his life ever given his assets to one of the heirs or another person;
- d. During his lifetime, the testator has made a will that benefits one heir or another.

IV. CONCLUSION

A notary deed as an authentic deed has perfect evidentiary power so that the parties who read the deed must see what it is and the notary does not need to prove anything for the deed made before or by a notary. Based on the construction of Notary Law, one of the duties of a notary's position is "to formulate the wishes / actions of the parties / parties into the form of an authentic deed, taking into account the applicable legal rules". In addition, the Supreme Court Jurisprudence No. 702 K/Sip/1973, dated September 5, 1973 stated: "The function of a notary is to only record/write down what is desired and stated by the parties who appear before the notary. There is no obligation for a notary to investigate materially anything (things) put forward by the appearer before the notary." For example, information based on a marriage certificate shown to a Notary or Identity Card (KTP) which from physical observation is original. If it is proven that the marriage certificate or ID card is fake, it does not mean that the Notary has ordered to include false information in the authentic deed, something that is impossible for a notary to do. So it can be concluded that the Notary is not obliged to examine the documents provided by the parties in this case to the Notary, because only the parties who know and are responsible for the truth of the document are shown to the Notary.

With the enactment of the Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, which was ratified in Jakarta on January 15, 2014, the State Gazette of the Republic of Indonesia of 2014 Number 3, the authority of the MPD has changed become the authority of the MKN (Notary Honorary Council) in relation to the examination of the legal process as contained in Article 66 of the Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of a Notary and when the notary fulfills the summons to the public investigators, notaries can also state that they will use their obligations The denial is as regulated in Article 4 paragraph (2) of the UUJN and Article 16 paragraph (1) letter f and Article 54 of Law No. 2 of 2014. The statement using the Obligation to Deny is recorded in the Minutes of Investigation (BAP). The statement using the obligation to deny it does not need to be accompanied by any reason, but merely carries out the UUJN orders. If a notary uses the Obligation to Deny, the investigator, public prosecutor or judge cannot impose his will on the notary and/or threaten the notary with the threat of obstructing the investigation/judicial process, because Article 117 paragraph (1) of the Criminal Procedure Code states firmly that "the statements of suspects and/or witnesses given to investigators without pressure from anything and/or in any form."

Law No. 2 of 2014 concerning amendments to Law No. 30 of 2004 concerning the position of a notary, Article 3 letter (h) regarding the requirements to be appointed as a notary, it is stated that "Never have been sentenced to imprisonment based on a court decision that has obtained permanent legal force because committing a crime punishable by imprisonment of 5 (five) years or more", basically according to this Article a notary who is sentenced to a sentence of more than 5 (five) years in prison cannot be appointed as a notary, because he does not meet the requirements to become a notary, but if the sentence is under 5 (five) years in prison, and having completed his sentence, the notary can still carry out his duties and obligations automatically without having to repeat the requirements to be appointed as a notary unless someone is just about to be appointed as a notary.

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