

Model For Handling Professional Insurance For Notary Positions Involved In Corruption Crimes (Study At The PT. Asuransi General Bumida Office, Lampung Province)

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Abstract

Handling professional insurance in the context of notary positions involved in criminal acts of corruption is an important issue in notary law and governance. This study aims to analyze and present an effective model for handling professional insurance in dealing with cases of ethical non-compliance and criminal acts of corruption involving notary. This research contributes to a better understanding of how to address the role of professional insurance in dealing with criminal acts of corruption involving notary. An effective handling model will help strengthen the integrity and public trust in the notary profession, which in turn will support the strengthening of law and good governance in society. This research uses a normative-empirical research method, using a statute approach and a social legal approach related to the Professional Insurance Handling Model for Notary Positions Involved in Corruption Crimes (Study at the PT. Asuransi General Bumida Office, Lampung Province). The statutory approach is to examine matters relating to legal principles, legal views and doctrines, and statutory regulations related to investment policy. Social legal approach for in-depth examination of legal facts, then attempts to solve problems that arise.

Keywords: Insurance Handling; Notary, Corruption.

INTRODUCTION

Notary are public officials who also often act as legal

consultants who are given attribution authority by the state in making authentic deeds. The powers of a Notary are regulated in Article 15 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary which contains all forms of acts, agreements and provisions required by statutory regulations and/or desired by the parties. interested parties to be registered in an authentic deed. In essence, an authentic deed is the truth of the formal data from the parties regarding what was submitted to the notary to be included in a deed.

A Notary in carrying out his profession cannot be separated from making mistakes, both intentional and unintentional. The notary profession is a profession that has a central role in maintaining the validity and security of legal documents and acting as an official witness in various legal transactions. The notary is responsible for ensuring that the documents are created and drafted correctly, in accordance with applicable law, and can be relied upon as evidence in legal disputes. However, like other professions, notary are also susceptible to errors or omissions in their work, both intentional and unintentional.

Intentional errors in notarial practice can occur in the form of fraudulent acts or abuse of position. For example, a notary may try to manipulate documents or ignore legal provisions for personal gain or certain parties. Mistakes of this kind are serious and can result in criminal offenses and the revocation of a notary's practice license. On the other hand, unintentional errors can also occur in various situations. Notary may make administrative errors in filling out documents, write down incorrect information, or ignore recent legal changes. Mistakes like these, even if unintentional, can still have serious consequences. Incorrect or invalid legal documents can result in expensive legal disputes, and the notary can be subject to lawsuits by parties who feel aggrieved.

To overcome the risk of error, notary are usually required to have professional liability insurance. This insurance provides financial protection if the notary is involved in a lawsuit as a result of errors or negligence in his work. This helps maintain the notary's finances and ensures that

injured parties can receive fair compensation. Apart from that, notary are also expected to always comply with strict professional ethics and codes. They must maintain integrity and independence in their work and always strive to improve their qualifications and knowledge. Continuous training and ethical monitoring is an important part of carrying out the profession with integrity and professionalism. In conclusion, mistakes in the notary profession can occur, both intentionally and unintentionally. Therefore, it is important for notary to always maintain integrity, comply with the law, and have professional liability insurance as a financial protection measure. By carrying out their duties with care and integrity, notary can minimize the risk of error and contribute to a strong and reliable legal system.

However, not all information provided by the presenter or parties to the notary is the actual data. The person appearing may have malicious intentions and/or take advantage of the notary's negligence by providing false information and documents to the notary. The authentic deed made and produced by a notary is incorrect, so it can cause losses to one of the parties. If one of the parties feels disadvantaged by the authentic deed, then the notary can be considered and sued for committing malpractice, even though the notary in this case has worked in accordance with the authority's code of ethics in making authentic deeds. This is the basis for the need for proper legal protection for the position of notary.

Recently, problems have become increasingly common because their authority to make authentic deeds is indicated to contain elements of a criminal act, this is due to the notary's lack of caution towards the parties who appear to make authentic deeds who often take the opportunity. Notary when carrying out practices within the authority of their position, which often happens, is if the notary is involved in a criminal case, and the notarial deed is indicated as the beginning or indicator of the occurrence of a criminal case. Corruption is a disease in social and economic networks that poisons the foundations of the rule of law and robs the people of justice and prosperity. In efforts to eradicate corruption, attention must not only be focused on government

institutions, but also on the private sector and professions that have a large influence in society. One profession that has a central role in the legal and business system is the notary. A notary is an agent whose function is to provide legitimacy and integrity in various legal transactions, from making deeds to property agreements. However, it cannot be ignored that notary can also be entangled in destructive corrupt practices. In this context, the urgency of handling criminal acts of corruption by notary becomes very important. This article will explain why handling corruption cases involving notary is an urgent necessity, with a focus on the wider impact on law, the economy and the integrity of the notary profession itself.

Notary are an integral part of a legal system built on trust and honor. When a notary is involved in criminal acts of corruption, it not only damages their personal reputation, but also tarnishes the reputation of the entire notarial profession. Therefore, handling criminal acts of corruption by notary is a crucial step to maintain the honor and integrity of this profession. Notary have an important role in property and business transactions. Corrupt acts by notary can result in significant economic damage. Forgery of deeds, fraud in property sales, or other corrupt practices can harm various parties, including buyers, sellers, and banks. Handling criminal acts of corruption by notary is an important step in preventing greater economic damage.

Public trust in the legal system is the foundation of a well-functioning democratic state. When notary are involved in criminal acts of corruption and are not prosecuted firmly, this can undermine public trust in the legal system. Handling criminal acts of corruption by notary is important to ensure that the law is enforced fairly and that no one is excluded. Handling of criminal acts of corruption by notary also has a domino effect in sending messages to other professions. When acts of corruption are not tolerated in the notary profession and are subject to strict sanctions, this can be an example for other professions to maintain integrity and ethics in their practices. Finally, handling criminal acts of corruption by notary is part of a larger effort to eradicate corruption at all levels of society. Bringing notary involved in corrupt practices to justice and

imposing fair sentences is an important step in the overall fight against corruption.

In order to maintain the integrity of the notary profession, protect the law, and eradicate corruption, handling criminal acts of corruption by notary is a necessity. This research will explain further the urgency of handling this criminal act of corruption and how this can be implemented effectively in legal and ethical practice. Handling criminal acts of corruption by notary is important to protect the law, public interests and the integrity of the notary profession. It is also part of a larger effort to prevent corruption and maintain justice in society. Compliance with laws and ethics by notary is key to maintaining a strong and well-functioning legal system. How does professional liability insurance exist? and What is the model for handling professional insurance for notary positions involved in criminal acts of corruption?

REVIEW OF LITERATURE

The theory used to analyze the professional insurance handling model for notary positions involved in criminal acts of corruption is as follows:

1. Insurance is an agreement or contract made between an individual or entity (usually referred to as a policyholder or customer) and an insurance company. In this agreement, the policyholder agrees to pay a premium (insurance fee) to the insurance company in exchange for financial protection or compensation in the event of the occurrence of certain risks guaranteed in the insurance policy. The main purpose of insurance is to protect the policyholder from unexpected financial risks, such as accident, illness, natural disaster, or property loss. When the policy holder pays a premium, the insurance company is willing to take this risk and is willing to pay compensation or claims if the risk occurs in accordance with the terms agreed in the policy.
2. The criminal act of corruption is behavior that involves the abuse of power, position, or authority by individuals or public officials to obtain personal gain or unlawful gain, often through acts of bribery, extortion, or misuse of public funds. Corruption damages the

integrity and efficiency of government, hampers economic development, and threatens the welfare of society.

METHODOLOGY

The research method used is a normative-empirical research method, using a statute approach and a social legal approach related to the Professional Insurance Handling Model for Notary Positions Involved in Corruption Crimes (Study at the PT. Asuransi General Bumida Office, Lampung Province). The statute approach is to examine matters relating to legal principles, legal views and doctrines, and laws and regulations relating to electronic money, and data that is accurate and can be accounted for in its correctness, while the social legal approach is to examine the issue of the effectiveness of the operation of the law in the entire legal institutional structure in society. Apart from that, an in-depth examination of the legal facts is also carried out to then try to solve the problems that arise in the phenomenon in question.

RESULTS AND DISCUSSION

The Existence of Professional Liability Insurance

Professional liability insurance, also known as errors and omissions (E&O) insurance or malpractice insurance, is a type of insurance coverage that is designed to protect professionals and their businesses or practices from financial losses arising from claims of negligence, errors, or omissions in the performance of their professional duties. This insurance is particularly relevant for individuals and businesses in professions that provide specialized services or advice, such as doctors, lawyers, architects, accountants, consultants, and many others. Here are some key points about the existence and importance of professional liability insurance:

1. **Protection Against Legal Claims:** Professional liability insurance provides protection in the event that a client or third party files a lawsuit claiming that the professional's services or advice led to financial losses or harm. This coverage can help pay for legal defense costs, settlements, or judgments resulting from such claims.
2. **Coverage for Negligence or Mistakes:** Professionals are

expected to meet certain standards of care and competence in their work. If they fail to do so and their clients suffer harm as a result, they may be liable for damages. Professional liability insurance can cover the financial consequences of such negligence or mistakes.

3. Contractual and Regulatory Requirements: In some cases, professionals are required by law or contract to carry professional liability insurance. For example, many states require healthcare providers to have malpractice insurance as a condition of practicing medicine. Similarly, some clients or organizations may require professionals to have E&O insurance before entering into contracts.
4. Risk Management: Beyond financial protection, professional liability insurance can also serve as a risk management tool. Knowing that they have coverage in place can give professionals peace of mind and may encourage them to adopt best practices and risk-reduction measures in their work.
5. Claims-Made Policies: Most professional liability insurance policies are "claims-made" policies, which means they provide coverage for claims that are made during the policy period, regardless of when the alleged error or omission occurred. This is different from occurrence-based policies, which cover claims based on when the incident actually occurred.

In summary, the existence of professional liability insurance is crucial for professionals and businesses in various industries. It provides a safety net against the financial consequences of professional mistakes, errors, or negligence, while also helping to maintain professional standards and client trust. Depending on the profession and local regulations, having this type of insurance may be a legal requirement or a prudent business decision.

Based on the foregoing, it is possible that a problem in the financial or financial sector of a Notary may occur at any time unexpectedly. In such situations, a Notary needs to transfer some of the risks to another party so that the Notary concerned can still carry out his obligations to the injured party without having to burden his finances too much. What is meant by risk is all possibilities that could cause losses. When related to the Notary profession, the risks are things that might happen as a result of the deed he or she makes. To transfer some of the risks to third parties, insurance services can be used, because the

essence of insurance is the transfer of risks to third parties. Insurance can be interpreted as a relationship based on an agreement if a party, by receiving compensation, agrees to pay compensation to the other party for losses caused by unforeseen events. As explained in the Law on the Position of Notary in Indonesia, there are several articles that regulate the obligation of notary to have Professional Liability Insurance.

The civil responsibilities of a notary in the regulations regulated in the Law on the Position of Notary only provide sanctions for violations of a Notary's formal nature, for example the rules for issuing deeds and others. However, the Notary also has responsibility for the material in the deed he issues. On the authority of a Notary to provide legal advice to persons appearing in Article 15 letter e of the Law on the Position of Notary. If the Notary makes a mistake in providing legal advice to the parties related to the deed he issues, the Notary is liable from a civil perspective for the material truth in the deed he issues. The criminal responsibility of a notary is that a criminal act is an action that is not permitted by a legal regulation, this prohibition is followed by threats, namely sanctions that have a specific criminal form for anyone who commits the violation. Criminal acts are said to be actions that are not permitted by legal regulations, and if there is a violation related to this prohibition, it will be accompanied by sanctions, in the form of certain penalties. When carrying out his position as a Notary, the crime in question is a crime carried out by a Notary as a public official who has the authority to issue authentic deeds as regulated in the Law on Notary Positions.

The responsibility of a notary based on Article 65 of the Law on the Position of Notary states that the Notary is responsible for the deed he issues even though the Notary has submitted the protocol to the recipient of the protocol. This article explains that the Notary has an obligation to his/her deed based on the Law on the Position of Notary. The notary's responsibilities based on the code of ethics as a public official of the Notary in carrying out their duties cannot be separated from ethics. The ethics referred to here is the existing Notary professional code of ethics and aims to ensure that notary truly carry out their duties professionally, morally and are

skilled in rational argumentation. Notary must adhere to existing regulations and the professional code of ethics when carrying out their duties and authority. Related to this, the aim is to maintain the honor and dignity of a notary because the position occupied by the notary is a position of trust directly assigned by the State. In this regard, Notary are also expected to be able to comply with all existing regulations in society, not only comply with the regulations governing their position. This of course aims to ensure that the public and all parties can understand that the Notary profession is a very noble and dignified profession.

So, with insurance, a Notary can minimize a situation in the future that arises unexpectedly which could cause the Notary concerned to fall into a state of financial difficulty. By paying a certain premium, if one day a claim is made to the Notary regarding the deed made, this risk can be transferred to the insurance company as the party selling insurance services. So in this case what is insured is the profession in the sense that the actions of a Notary in the context of carrying out his profession may result in losses resulting in unforeseen third party claims.

Model for Handling Professional Insurance for Notary Positions Involved in Corruption Crimes

Corruption is a problem that damages the economy, weakens government institutions, and harms society as a whole. In many countries, notary play an important role in legal processes, such as drafting contracts, property agreements, and notarizing other important documents. However, there are corruption-prone points related to notary work. This research will explore several of these vulnerable points and look for solutions to overcome these problems. Hot spots for criminal acts of corruption can appear in various sectors and stages in government and business systems. To overcome criminal acts of corruption, there needs to be commitment from various parties, including government, business and civil society. This involves strengthening regulations, increasing transparency, increasing accountability, anti-corruption education and awareness, and effective law enforcement. Overcoming criminal acts of corruption requires sustainable and collaborative efforts to create a cleaner

and more trustworthy society. Notary have the legal authority to certify legal documents. This power can be abused by enabling practices that harm others, such as forging signatures or forging documents. When notary lack strong ethics or are caught up in corrupt practices, this can open the door to bribery. Improving ethics and transparency in notarial practice is essential. Establishing high ethical standards, providing appropriate training, and exercising strict oversight of notarial practices are important steps to prevent abuse of notarial powers. Law enforcement against corruption by notary in professional insurance is an important aspect in maintaining the integrity of the professional insurance industry and ensuring appropriate protection for policyholders. Notary play a key role in the claims process and insurance transactions, and they have an ethical and legal responsibility to ensure that documents related to professional insurance are prepared correctly and in accordance with the law. Below, we will explain how law enforcement by notary in the insurance profession contributes to preventing corruption.

Notary have the obligation to verify the identity, signature, and validity of documents involved in insurance transactions. They ensure that every document submitted to them is valid and does not contain any false information. This helps prevent corrupt practices such as forgery of documents or false claims. Notary are required to carry out their work with high integrity and strong professional ethics. They have a responsibility to report suspicious or unethical actions related to insurance transactions. This action helps prevent corrupt practices that may occur within the professional insurance industry. Notary must follow strict and documented procedures when carrying out insurance transactions. This includes gathering the necessary information, verifying the policyholder's identity, and checking insurance documents. These strict procedures help reduce opportunities for corrupt practices. Notary must be willing to cooperate with regulatory and law enforcement authorities when necessary. They can provide evidence and information necessary for investigations of acts of corruption in the professional insurance industry. If a notary suspects corruption in an insurance transaction,

they have an ethical and legal obligation to report it. This could mean reporting to the relevant insurance regulatory body or authority. These actions help uncover and stop corrupt practices.

Notary can play a role in increasing awareness among policyholders and parties involved in insurance transactions regarding the dangers and consequences of corrupt practices. This can help prevent irresponsible parties from trying to exploit the insurance system. Thus, the role of notary in enforcing the law against corruption in the insurance profession is key to maintaining public trust and the integrity of the industry. They contribute to transparency, legal compliance, and protection against corrupt practices that harm policyholders and the entire professional insurance industry. With strong ethics and compliance with regulations, notary can help ensure that professional insurance functions well and provides the expected benefits to society.

Handling of corruption cases involving notary in the professional insurance industry must be carried out carefully and firmly to ensure justice, transparency and integrity in the legal system and insurance industry. Several steps that can be taken in handling such cases include temporary suspension and investigation. When there are allegations of corruption involving a notary in the professional insurance industry, the insurance regulatory body or competent authority must take immediate action by temporarily suspending the notary from practice. Furthermore, an investigation must be carried out immediately to collect the necessary evidence. Cooperation with Law Enforcement: Corruption cases involving notary must be handled by competent law enforcement officials, such as the police or prosecutor's office. Insurance authorities need to work closely with law enforcement to ensure that investigations are conducted properly and appropriate legal action is taken.

If sufficient evidence is found, notary corruption cases must be brought to court. During the trial, the judge must ensure that the process is fair and transparent. The accused notary must be given the opportunity to defend himself and obtain an attorney if necessary. If the notary is found guilty in court, appropriate punishment must be given in accordance with applicable law. This punishment

can take the form of a fine, imprisonment, revocation of the notary's license, or a combination of these. The purpose of punishment is to provide sanctions that are commensurate with the crime committed and provide a deterrent effect. If notary are found guilty of corrupt practices, they should be required to return illegally obtained funds or assets to injured parties, including insurance companies and policyholders who may have suffered losses as a result of the corrupt acts. The process of handling notary corruption cases must be carried out with a high level of transparency. Information about case developments and court decisions must be made available to the public. This helps maintain public trust in the legal system and insurance industry.

To prevent corruption in the professional insurance industry, strict regulations and supervision must be implemented. Insurance regulatory bodies need to ensure that notary and insurance companies comply with anti-corruption regulations and that there are effective oversight mechanisms. Anti-corruption awareness must be increased among notary and all parties involved in the professional insurance industry. Anti-corruption training and campaigns can help reduce corrupt practices. It is important to remember that handling corruption cases must comply with the principles of fair law and human rights. This includes the accused notary's right to defend himself and obtain appropriate legal protection. Proper enforcement of the law is key to maintaining the integrity of the professional insurance industry and ensuring good protection for policyholders and all stakeholders involved.

CONCLUSION

Based on the results of research related to legal convergence related to investment policy problems and land acquisition for industrial development and national programs, several conclusions can be drawn as follows:

1. The existence of Professional Liability Insurance in the provisions of the Notary Position Law means that this insurance has a very important role in maintaining the integrity, quality and existence of the notary position. Professional liability insurance provides protection against the legal risks inherent in notary work. In carrying out their duties, notary may make errors or

omissions that can have a serious impact on the parties involved. This insurance helps cover legal costs, compensation, and damages that may be paid in the event of a lawsuit. A notary's obligation to have professional liability insurance is often regulated by law or local regulatory bodies. This ensures that notary adhere to high standards of ethics and professionalism in their practice. This insurance helps notary maintain their reputation and public trust in their profession. Clients and parties involved in legal transactions feel more secure and confident when they know that the notary has financial and legal protection. Professional liability insurance can also play a role in the professional development of notary. Insurance companies can provide guidance and advice to notary to avoid risks and maintain the quality of their work. Thus, the existence of professional liability insurance is an important element in maintaining the existence of the notary position and in maintaining the quality of services provided by notary to the public. This is a proactive step that helps protect notary from legal risks and ensures that they can carry out their duties with integrity and confidence.

2. Model for Handling Professional Insurance for Notary Positions Involved in Corruption Crimes is a mechanism that has a significant impact on efforts to eradicate corruption and maintain the integrity of notary positions. In this context, there are several conclusions that can be drawn:

- a) Professional Insurance Protection
- b) Support in the Legal Process
- c) Risk Control and Prevention
- d) Law Enforcement
- e) The Role of Professionalism and Integrity

Thus, the model for handling professional insurance for notary involved in criminal acts of corruption is an important step in maintaining the integrity of the notary's office, ensuring compliance with the law, and providing the financial protection necessary to face the legal consequences of their actions.

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