

## CHAPTER 1 INTRODUCTION

### A. Background

The History of notaries can be traced back to the days of ancient Egypt.<sup>1</sup> At that time, a notary acted as a scribe whose duties included transcribing state papers, supply magistrates with necessary legal forms, and recording public proceedings. As history progressed, Notaries became a staple in most legal systems as those who wrote legal documents and public documents. As a result of writing all this documents, the authority of the notary increased. However, as a new age dawned with a largely literate populace, the need for notary to write legal documents has dramatically decreased. Despite this fact, the authority gained by notaries in the past has continued into the present allowing notaries to validate legal documents. Though the role of a notary is much more extensive in many countries around the world, the Indonesian Latin style notary continues to hold an important position in the legal system.

Although the notary has enjoyed a long and important history, the real question becomes: why are notaries still useful in the legal system today. It may appear that a notary is simply another person to pay when signing an important document. However, notaries today serve an important purpose in our society. The notary profession acts as the universal unbiased third party to

---

<sup>1</sup>Komar Andasasmita, *Notaris I*, cet. 2, (Bandung: Sumur, 1984), page 9. Bandung.

ensure that legal documents are prepared and signed correctly. This is important because in a world of cheats, scammers, and crooks looking to take advantage of the next sucker who walks by, as having an unbiased third party to check the identities of each signing party adds an extra layer of protection to a very important transaction. The notary carries the authority of authorizing legal documents and it is this authority that makes the notary special and important. Each state regulates notaries within the state and therefore has control over who has the power to authorize legal documents. This control insures uniformity and honesty in each and every documents signing. Notaries offer a way to regulate and double check legal documents to ensure validity and uniformity.

The notary may seem useless at first glance, but upon further inspection it is clear that notaries provide a valuable service in the legal system today. While much of their widespread authority has been stripped away, they still maintain the ability and responsibility to authorize legal documents. This includes checking the identity of each signing party to guard against potential fraud. With important documents such as loans and mortgages, an added layer of security puts people at ease. This added control somehow makes the notary profession an important part of the legal system today.

Based on the reason above, the researcher uses to examine how the implementation of Notary profession nowadays hold an important part and

bring such an impact on the world. Therefore the title of this research is “**The Implementation of The Latin Notary Style In Comparison to The Anglo Saxon Notaries Public Profession.**”

## **B. Research Questions**

The researcher has identified some core problems and obstacles, which are found on understanding two profession in the differences between two systems. Thus, researcher aims to answer this following questions:

1. What is the main characteristic and the implementation of the Latin Notary Profession in civil law?
2. What is the main characteristic and the implementation of the Anglo Saxon Notaries Public in common law?
3. What are the comparison of the Latin Style Notary based in Indonesian and the Notary Public of Singapore?

## **C. Research Objectives and Benefits**

### **• Research Objectives**

The purpose of this research are the followings:

1. To analyze the main characteristic and the implementation of the Latin Notary Profession in civil law.

2. To give a better understanding regarding the main characteristic and the implementation of the Anglo Saxon Notaries Public in common law.

3. To compare between both countries and to know more the implementation of Latin Style Notary based in Indonesian and the Notary Public of Singapore.

● **Research Benefits**

This research is expected to give benefits such as:

1. To gain a better understanding regarding the role and inherent authority of a Notary in Indonesian.

2. To gain a better understanding regarding the role and inherent authority of a Notary Public in Singapore.

3. To gain a better understanding regarding the similarities and differences of a notary between two legal systems in the world and their implications.

4. To protect and to promote in understanding the duties and function that may cause to have such a mistaken identity of this so called “notaries”.