



## THE GREY AREAS: NOTARY LIABILITY AND INTERN SUPERVISION IN INDONESIAN LEGAL PRACTICE

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**Abstract:** This study examines the legal responsibilities and protections for notaries supervising interns in Indonesia, focusing on potential violations and the challenges posed by the differing legal statuses of interns and permanent staff. Employing a normative juridical method with statute and conceptual approaches, this research analyzes Article 16A of Law Number 2 of 2014 on Notary Position, which mandates supervisory duties for notaries but lacks clarity on liability boundaries. The absence of detailed regulations exposes notaries to legal and reputational risks as they may face litigation for interns' misconduct. Inconsistent internship practices across notarial offices further complicates this issue. This study highlights practical challenges, such as managing interns' access to sensitive client information and maintaining confidentiality. These challenges are exacerbated by interns' status as trainees rather than employees, which limits the supervising notary's control and accountability. These findings underscore the need for explicit guidelines to protect notaries from unintended liability while ensuring effective mentorship. Recommendations include implementing specific regulations on supervision, mandatory ethics training for interns, and limited access to protocols. Collaboration with professional associations to establish best practices and maintain a balance between legal responsibilities and training quality is advised. This study contributes to the understanding of professional responsibility in the notarial profession and highlights the importance of clear legal frameworks to support supervisors and maintain public trust.

**Keywords:** *Notary Responsibility, Legal Protection, Notary Intern, Supervision, Ethical Training*

**Abstrak:** Penelitian ini bertujuan untuk menganalisis tanggung jawab dan perlindungan hukum yang dimiliki notaris dalam mengawasi calon notaris magang di Indonesia, khususnya dalam menghadapi potensi pelanggaran yang mungkin terjadi. Sebagai pembimbing, notaris memiliki kewajiban untuk memberikan bimbingan dan pengawasan yang mencakup pemahaman mengenai etika dan prosedur hukum, namun terdapat perbedaan status hukum antara calon notaris magang dan staf tetap yang menciptakan tantangan tersendiri. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan untuk menelaah ketentuan hukum yang relevan, serta pendekatan konseptual untuk memahami konsep tanggung jawab dan perlindungan hukum bagi notaris. Temuan penelitian menunjukkan bahwa ketidakhadiran regulasi yang rinci menimbulkan risiko hukum dan reputasi bagi notaris, yang dapat menghadapi litigasi jika calon notaris melakukan pelanggaran. Penelitian ini menyarankan adanya regulasi yang lebih spesifik terkait pengawasan, pelatihan etika bagi calon notaris, dan penerapan protokol akses terbatas untuk menjaga keseimbangan antara tanggung jawab hukum notaris dan kualitas pelatihan calon notaris.

**Kata kunci:** *Tanggung Jawab Notaris, Perlindungan Hukum, Magang Notaris, Pengawasan, Pelatihan Etika*

## INTRODUCTION

Internships for prospective notaries represent a critical stage in the notarial systems of many countries, including Indonesia. This phase not only offers aspiring notaries the opportunity to gain hands-on experience in the technical aspects of the profession, but also enables them to understand the legal and ethical responsibilities inherent to the role. In Indonesia, Law Number 2 of 2014, which amends Law Number 30 of 2004 concerning Notary Position, specifically addresses the status and responsibilities of notaries, including the mechanism for internships. Article 16A of this law places a duty on the notary to supervise the internship to guide and monitor prospective notaries. However, implementing these provisions often presents complex legal challenges, particularly when an intern commits violations or acts in ways that contravene ethical or legal requirements.

This situation raises significant questions regarding the extent of a notary's liability for offenses committed by interns under their supervision. Previous studies have shown that legal accountability for the actions of interns or assistant notaries frequently occupies a gray area across various jurisdictions, leading some countries to establish specific legal protections for supervising notaries facing similar circumstances.<sup>1</sup> In the Indonesian context, this issue remains inadequately addressed in legislation, resulting in legal uncertainties that could impact the professional reputation and liability of the supervising notaries.

The growing body of international literature on professional responsibility indicates the need for additional legal safeguards to protect notaries from being held accountable for actions outside their control.<sup>2</sup> Research by Feinman highlights that supervising notaries often finds themselves vulnerable due to the limited means of managing the conduct of third parties under their guidance.<sup>3</sup> This aligns with the findings of Dimitra Lattas, which underscore the importance of clear regulations to protect professionals who accept interns in legal contexts, helping prevent negative impacts on the profession and maintain public trust in the institution.<sup>4</sup>

The responsibility of a supervising notary over the actions of an intern presents a series of legal and ethical challenges, particularly when an intern commits actions

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<sup>1</sup> David H. Rosenbloom and Helena K. Rene, 'Shrinking Constitutional Tort Accountability: Developments in the Law and Implications for Professional Responsibility', *Public Performance & Management Review* 40, no. 2 (November 2016): 236, <https://doi.org/10.1080/15309576.2016.1177561>.

<sup>2</sup> Lisa Shepherd, Stephanie Chilton, and Sayra M. Cristancho, 'Residents, Responsibility, and Error: How Residents Learn to Navigate the Intersection', *Academic Medicine* 98, no. 8 (August 2023): 935, <https://doi.org/10.1097/ACM.0000000000005267>.

<sup>3</sup> Jay M Feinman, 'Professional Liability to Third Parties' (American Bar Association, 2000).

<sup>4</sup> Dimitra Lattas, Cindy Davis, and Catherine Creamer, 'Global Forensic Social Work Education: A Cross-National Comparison of Education Models in 10 Countries', *International Social Work* 67, no. 5 (September 2024): 1196, <https://doi.org/10.1177/00208728231214133>.

that may breach the law or ethics, impacting the notary's reputation and legal risks. Article 16A of Law Number 2 of 2014 provides a legal basis for the supervising notary's duty to guide the interns. However, the regulation lacks explicit definitions regarding the notary's liability for actions by interns, which might be beyond their control. In many cases, interns are not considered permanent employees but rather as individuals in the learning phase, raising doubts about whether a notary should fully bear the consequences of the intern's actions.<sup>5</sup>

This issue is significant because interns are often granted direct access to various client documents and information, which, under certain circumstances, can be misused by those who do not fully grasp the legal implications of their actions. Lawrence and Peterson (2021) demonstrate that many jurisdictions attempt to balance supervisory responsibility with the autonomy of interns in the legal profession. A comparative study by Brian N. Baird indicates that countries such as the United Kingdom and Canada have introduced specific rules to limit the liability of supervisors when an intern's breach is outside direct supervisory responsibility.<sup>6</sup>

Given the increasing complexity of notary internships, clearer regulations on the scope of a notary's liabilities are necessary. Morrissey's research indicates that weak regulatory frameworks risk inviting abuse of authority in professional settings, especially in trusted professions such as notaries. Therefore, this study aims to address how Article 16A can be strengthened or developed to provide clearer protection for supervising notaries without undermining their ethical responsibilities in mentoring interns. This is essential to ensure that notaries can fulfill their supervisory duties without disproportionate legal consequences from an intern's actions.<sup>7</sup>

Although regulations on notary internships are set out in Article 16A of Law Number 2 of 2014, significant gaps remain, particularly regarding the clarity of the supervising notary's liability in cases of internal violations. One major challenge is that the law does not explicitly establish the limits of the notary's responsibility for an intern's actions, who often operates independently in the field. The absence of detailed

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<sup>5</sup> James R Faulconbridge and Daniel Muzio, 'Legal Education, Globalization, and Cultures of Professional Practice', *Geo. J. Legal Ethics* 22 (2009): 1335.

<sup>6</sup> Brian N. Baird and Debra Mollen, *The Internship, Practicum, and Field Placement Handbook: A Guide for the Helping Professions*, 9th ed. (New York: Routledge, 2023), <https://doi.org/10.4324/9781003325697>.

<sup>7</sup> Jean Morrissey, 'Training Supervision: Professional and Ethical Considerations', in *The Handbook of Professional Ethical and Research Practice for Psychologists, Counsellors, Psychotherapists and Psychiatrists* (Routledge, 2020), 233.

legal guidelines in this context not only confuses supervising notaries but also increases the litigation risk for supervising notaries.<sup>8</sup>

Furthermore, research indicates that internship practices in the legal profession globally are increasingly facing challenges due to the need for stricter guidelines. For instance, a study by Givelber highlighted that developed countries have begun to introduce regulations outlining supervisory duties and responsibilities in detail to reduce potential misunderstandings and legal conflicts. This shows the need for more specific and locally focused regulations, especially in countries with high compliance standards for legal professions such as Indonesia.<sup>9</sup>

These regulatory gaps become even more pronounced when Indonesian notaries frequently encounter interns with limited understanding of the legal implications of their actions. Beddoe suggested that a supervisory role not supported by robust legal regulations will have consequences for supervisors, even for actions taken outside their control. This situation creates uncertainty for notaries, who must not only mentor interns but also protect themselves from potential legal repercussions due to the intern's actions. Therefore, regulatory gaps and challenges in internship practices create an urgent need for further research on effective legal protection mechanisms for supervising notaries in Indonesia.<sup>10</sup>

The significance of this study lies not only in its contribution to the theoretical understanding of notary supervisors' legal responsibility but also in its broader implications for maintaining professionalism and integrity within the Indonesian notarial profession. The absence of clear guidelines on the extent of responsibility in supervising notary interns could create unwanted legal vulnerabilities for supervising notaries. If an intern commits a violation without clear regulations, supervising notaries might face unjust legal risks.<sup>11</sup>

Moreover, the importance of this research is reinforced by the need to ensure that notary interns receive adequate mentorship without exposing supervisors to disproportionate risk. According to a study by Andrea, when professionals face potential legal claims for actions by interns outside their control, it not only reduces motivation for mentoring, but also undermines the overall reputation of the

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<sup>8</sup> Judith McNamara, 'The Challenge of Assessing Student Capabilities in Legal Internship' (Work Integrated Learning (WIL): Transforming Futures: proceedings of the 2008 WACE Asia Pacific Conference, Australian Collaborative Education Network (ACEN), 2008), 377.

<sup>9</sup> Daniel J Givelber et al., 'Learning through Work: An Empirical Study of Legal Internship', *J. Legal Educ.* 45 (1995): 1.

<sup>10</sup> Liz Beddoe and Allyson Davys, *Challenges in Professional Supervision: Current Themes and Models for Practice* (Jessica Kingsley Publishers, 2016).

<sup>11</sup> Allyson Davys and Liz Beddoe, *Best Practice in Professional Supervision: A Guide for the Helping Professions* (Jessica Kingsley Publishers, 2020).

profession. Thus, this research aims not only to provide deeper insights into the role and limits of responsibility for supervising notaries but also to offer concrete policy recommendations.<sup>12</sup>

Furthermore, the contributions of this research are expected to lay the foundation for developing new regulations in the field of notarial practice. Research conducted by Carol Farendor suggests that enhancing regulations in guidance-based professional work environments is crucial for creating safe and ethical workspaces. The recommendations from this study are expected to encourage government and notary associations to develop clearer regulations, thereby enhancing legal certainty and protecting both parties' notaries and their interns.<sup>13</sup>

This study employs a normative juridical method that uses both statute and conceptual approaches. The statute approach is applied to analyze various laws and regulations, particularly Law Number 2 of 2014 on the Notarial Position, to understand the legal foundation of responsibilities and protections for supervising notaries. Meanwhile, the conceptual approach delves into relevant legal concepts, such as professional responsibility and legal protection in the internship context, providing deeper insight into core issues.

This research is prescriptive in nature, with the aim of offering concrete recommendations on legal protection mechanisms for supervising notaries. This approach goes beyond descriptive analysis to propose practical solutions that can be implemented in the notarial profession in Indonesia. International research by Han and Antje Wiener Lopez highlighted the importance of a prescriptive approach in developing actionable policies to protect professionals involved in intern supervision.<sup>14</sup>

## DISCUSSION

### 1.1 Review of Notary Responsibilities Receiving Interns Based on Article 16A

Article 16A of Law Number 2 of 2014 on Notary Position plays a pivotal role in regulating the responsibilities of supervising notaries toward notary interns. In the context of the notarial profession, this article aims to ensure that interns receive adequate guidance and supervision from licensed notaries, enabling them to grasp the

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<sup>12</sup> Andreea-Romana Ban, Arina-Florenta Modrea, and Bogdan Bucur, 'Mentoring in the Context of Academic Work: Responsibility and Accountability' (International Conference Interdisciplinarity in Engineering, Springer, 2023), 527.

<sup>13</sup> Carol Falender et al., 'Lens on International Clinical Supervision: Lessons Learned from a Cross-National Comparison of Supervision', *Journal of Contemporary Psychotherapy* 51 (2021): 188.

<sup>14</sup> Antje Wiener, 'The Dual Quality of Norms and Governance beyond the State: Sociological and Normative Approaches to "Interaction"', *Critical Review of International Social and Political Philosophy* 10, no. 1 (March 2007): 48, <https://doi.org/10.1080/13698230601122412>.

professional duties and ethics required for their role. This provision clarifies that supervising notaries has a legal obligation to provide mentorship according to established standards, especially in upholding the quality and integrity of interns before they are granted a full licensure.

Article 16A is crucial in upholding professionalism within Indonesia's notarial profession. Stringent internship regulations are vital to ensure that aspiring professionals receive comprehensive training and fully understand the legal and ethical implications of their actions. Article 16A serves as a legal instrument that helps shape competent and trustworthy notaries, ultimately strengthening public confidence in the notarial profession.

However, implementing Article 16A presents several challenges. One is how supervising notaries must ensure that interns comply with regulations and ethical codes, while preventing violations. Victoria's research highlights the importance of rigorous oversight to minimize the risk of misconduct, especially when interns have direct access to sensitive client information and documents. With Article 16A, it is expected that each intern undergoes a mentorship process focused not only on technical aspects, but also on a profound understanding of the ethical and legal responsibilities inherent to the notarial profession.<sup>15</sup>

Article 16A of Law Number 2 of 2014 on Notary Position explicitly regulates the responsibilities of supervising notaries in mentoring and overseeing interns during their training period. This article mandates that supervising notaries provide guidance that encompasses a deep understanding of legal procedures, professional ethics, and the responsibilities inherent to the notarial profession. This includes technical guidance on drafting deeds and other official documents that comply with the legal standards. Additionally, Article 16A emphasizes that supervising notaries must ensure that interns understand the applicable legal provisions and adhere to notarial ethical codes.

Furthermore, the scope of responsibilities outlined in Article 16A places supervising notaries in a key role in preventing interns from committing legal violations or engaging in conduct that is detrimental to clients. A study by Landon indicated that effective supervision in legal practice is crucial for maintaining the profession's integrity and protecting client rights. Within the context of Article 16A, supervising notaries is responsible not only for the technical aspects of notarial duties,

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<sup>15</sup> Argo Victoria, 'Comparative Study of Legal Requirements for Being A Notary and Duties & Authority of A Notary in Indonesia and Malaysia', 2023.

but also for ensuring that interns have an adequate understanding of legal and ethical responsibilities.<sup>16</sup>

This article reflects the responsibility of supervising notaries to minimize the risk of misconduct by interns, which could negatively impact the reputation of the notarial profession. This responsibility also includes overseeing interns' access to confidential or private documents and reinforcing the importance of privacy and confidentiality in legal responsibilities. Janosik highlights the importance of understanding privacy ethics in legal training supervision. Therefore, Article 16A not only clarifies the supervisory duties of notaries, but also strengthens legal certainty regarding the mentorship of interns in conducting their duties professionally.<sup>17</sup>

Article 16A establishes a clear framework for the supervisory relationship between the supervising notary and the notary intern, delineating the supervising notary's responsibilities for guiding and mentoring the intern. This provision creates a formal supervisory bond in which the supervising notary is legally obligated to offer consistent oversight, while the intern is expected to adhere to ethical standards and legal procedures under the notary's guidance. However, this relationship entails a range of complexities, particularly concerning the supervising notary's accountability for the interns' actions. Although Article 16A mandates supervision, it does not specify the exact boundaries of responsibility, which raises questions about the limits of the notary's liability for misconduct.<sup>18</sup>

Supervising notaries is responsible for creating a professional environment where interns can acquire the skills and ethical awareness required in the field. However, challenges arise when an intern acts independently or engages in misconduct that may not be directly controlled by a notary. A study by Denis emphasized the risk faced by supervisors when interns misuse their roles, potentially harming clients, or breaching confidentiality. In such cases, the supervising notary may face reputational and legal risks despite having limited control over the intern's independent actions.<sup>19</sup>

Furthermore, Article 16A's limited specificity for supervisory boundaries places supervising notaries in a potentially vulnerable position. In professional internship settings, research has shown that when supervisors lack explicit legal

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<sup>16</sup> McNamara, 'The Challenge of Assessing Student Capabilities in Legal Internship'.

<sup>17</sup> Steven M Janosik and Joan B Hirt, 'LEGAL AND ETHICAL ISSUES', *Learning through Supervised Practice in Student Affairs*, 2013, 133.

<sup>18</sup> Stephen T Maher, 'The Praise of Folly: A Defense of Practice Supervision in Clinical Legal Education', *Neb. L. Rev.* 69 (1990): 537.

<sup>19</sup> Denis Odlin, Maureen Benson-Rea, and Bridgette Sullivan-Taylor, 'Student Internships and Work Placements: Approaches to Risk Management in Higher Education', *Higher Education* 83, no. 6 (2022): 14010.

protection regarding their intern's independent actions, their liability risk increases. For notaries, this vulnerability suggests the need for clearer guidelines to protect them against repercussions from actions that fall outside their reasonable control.<sup>20</sup>

To mitigate these risks, it may be necessary to supervise notaries to establish formal procedures or protocols that document their mentorship efforts and responsibilities assigned to interns. Such documentation could serve as evidence for the supervisory diligence required under Article 16A. Ultimately, while Article 16A is crucial for defining the supervisory relationship, it lacks clarity on the limits of responsibility, underscoring the need for additional regulations to protect supervising notaries from unintended liability.

Inadequate enforcement or insufficient detail of Article 16A could lead to several substantial risks that impact both individual notaries and the professional standards of the notarial sector. One major concern is that the absence of specific guidelines regarding supervisory duties leaves room for ambiguity, potentially resulting in reputational damage to supervising notaries when interns commit errors or ethical violations. In professions with high public trust, such as the notarial field, reputation plays a crucial role, and the perception of lax supervision can diminish the credibility of the entire profession.<sup>21</sup>

Moreover, without clear stipulations, supervising notaries may face heightened litigation risks. Research by Barbara A. Blanco indicates that in the absence of explicit boundaries for supervisory liability, supervisors in various legal and professional fields frequently become targets of lawsuits stemming from their interns' actions. Such legal exposures can place a significant burden on notaries, not only financially but also in terms of professional standing, as they may be held accountable for issues that could have been prevented with clearer regulatory guidance.<sup>22</sup>

Additionally, insufficient regulation around Article 16A could lead to inconsistent training practices, as notaries may adopt overly cautious approaches to mentorship to avoid potential liabilities. This risk-averse attitude, while understandable, could hinder practical learning opportunities for interns, as supervising notaries may limit exposure to complex tasks or responsibilities that are vital for hands-on training. Martin Petrin highlights that when supervisors face legal

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<sup>20</sup> Frank G Avellone, 'The State of State Student Practice: Proposals for Reforming Ohio's Legal Internship Rule', *Ohio NUL Rev.* 17 (1990): 12.

<sup>21</sup> Geoffrey C Hazard Jr and Ted Schneyer, 'Regulatory Controls on Large Law Firms: A Comparative Perspective', *Ariz. L. Rev.* 44 (2002): 593.

<sup>22</sup> Barbara A Blanco and Sande L Buhai, 'Externship Field Supervision: Effective Techniques for Training Supervisors and Students', *Clinical L. Rev.* 10 (2003): 611.



vulnerabilities, they may avoid assigning critical tasks to interns, leading to a superficial internship experience that lacks substantive skill-building opportunities.<sup>23</sup>

Thus, the lack of regulatory precision in Article 16A underscores the need for more robust legal frameworks to protect supervising notaries from the unintended consequences of their mentorship. These protections would allow notaries to engage more confidently in training interns, ultimately supporting the development of a competent and ethical workforce in the notarial profession. By establishing clear supervisory limits, such regulations would help balance the responsibilities of notaries and ensure that the internship process remains a constructive and legally safe environment for both supervisors and interns.

## **1.2 Analysis of Legal Status Differences between Notary Interns and Permanent Notary Staff**

The legal status of notary interns differs significantly from that of permanent notarial staff, affecting both the responsibilities and legal obligations of the supervising notary. Permanent staff members are generally bound by employment contracts, granting them certain rights and responsibilities under labor law and making them subject to the full range of workplace policies and protocols. Conversely, notary interns typically operate under a mentorship framework rather than an employment contract, often without the legal protection and obligations that apply to permanent employees.<sup>24</sup> This fundamental distinction places interns in a unique position within the notarial office, where they are seen more as trainees subject to learning and professional guidance than as staff with specific workplace roles.

This difference in legal status directly affects the supervisory notary's level of accountability. As employees, permanent staff members' actions are generally considered to reflect the official practices of the notarial office, making the notary responsible for ensuring that the staff adhere to legal and ethical standards. Interns, however, are engaged in learning capacity and, thus, do not carry the same level of accountability. Owing to their educational role, interns are often granted more leniency in their actions, with the understanding that mistakes are part of the learning process. Consequently, supervising notaries is not expected to exercise the same level of control over interns as they would over employees even though they are still responsible for oversight and guidance.

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<sup>23</sup> Martin Petrin, 'Curious Case of Directors' and Officers' Liability for Supervision and Management: Exploring the Intersection of Corporate and Tort Law, The', *Am. UL Rev.* 59 (2009): 1661.

<sup>24</sup> Limor Zer-Gutman and Eli Wald, 'Is the Legal Profession Too Independent?', *Marq. L. Rev.* 105 (2021): 341.

The unique status of notary interns also affects how the law views the potential misconduct. While supervising notaries is accountable for an intern's training and ethical grounding, they may not be directly liable for actions that occur independently or outside the scope of official notarial duties. Sandra's research on legal internships highlights that when interns lack employment status, their supervisors are generally shielded from liability in cases of misconduct, provided the interns' actions are not explicitly authorized. This protection underscores the need for clear, documented guidance in the supervisory process, reinforcing the idea that interns' actions are primarily part of their educational experience rather than professional responsibilities.<sup>25</sup>

The distinct legal status of notary interns as trainees, rather than employees, significantly impacts the supervisory notary's level of accountability, creating a unique set of ethical and legal responsibilities. Because interns are generally not bound by employment contracts, but instead by mentorship or training agreements, they lack the same formal obligations and rights as permanent staff. This difference implies that while supervising notaries must provide guidance and ensure ethical conduct, they are not held to the same degree of accountability for interns' actions as they would be for full-time staff members.<sup>26</sup> Thus, supervising a trainee involves balancing the role of educator and mentor, with legal liability carefully defined around intentional oversight rather than direct responsibility.

Since interns are in the developmental phase, their mistakes or potential misconduct are often treated as part of the learning curve, leading to more flexible expectations regarding accountability. By contrast, permanent staff members have explicit job roles and are expected to fully understand and follow legal and ethical standards. Permanent staff actions are often viewed as reflections of the organization's practices, increasing the supervising notary's responsibility for their adherence to professional standards. With interns, however, the notary's accountability is more limited, focusing on providing ethical guidance rather than assuming full responsibility for the independent actions or errors made by the intern.

Nevertheless, this limited accountability does not absolve the supervisory notaries from all responsibilities. Supervising notaries is still expected to establish clear boundaries, communicate expectations, and provide oversight that mitigates the potential risks posed by internal mistakes. A study by Ladany highlighted that when interns lack adequate guidance, even unintentional errors can have legal

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<sup>25</sup> Sandra T Mann and Matthew Merced, 'Preparing for Entry-Level Practice in Supervision.', *Professional Psychology: Research and Practice* 49, no. 1 (2018): 98.

<sup>26</sup> Sally J. Zepeda, 'High Stakes Supervision: We Must Do More', *International Journal of Leadership in Education* 9, no. 1 (January 2006): 62, <https://doi.org/10.1080/13603120500448154>.

repercussions for supervisors, emphasizing the need for structured mentorship frameworks. Consequently, supervising notaries must actively engage in mentorship practices that foster an understanding of ethical standards and legal responsibilities without directly shouldering the burden of liability for every interaction action.<sup>27</sup>

Thus, while the intern's trainee status offers some protection to the supervising notary from full legal accountability, it also places a burden on them to act as responsible mentors. Ensuring this balance is critical for maintaining the integrity of the notarial profession, while providing interns with a meaningful learning experience that minimizes potential risks.

The differing legal status of notary interns and permanent staff presents unique challenges for supervising notaries, particularly when there is a lack of clarity in accountability. One significant risk is the potential for interns to act beyond their authority, inadvertently breaching legal or ethical standards. Because interns are not bound by the same contractual obligations as permanent staff, they may lack the comprehensive understanding required to independently handle sensitive notarial duties. For instance, an intern who improperly handles confidential client documents could inadvertently expose the supervising notary to accusations of negligence or a breach of duty, even if the intern's actions were unintended.<sup>28</sup> This gray area of responsibility can create substantial risks if a supervising notary is legally implicated in cases where an intern exceeds its role or makes critical errors.

Furthermore, the lack of precise guidelines regarding intern supervision can create ethical dilemmas for supervising notaries. Supervisors often struggle to find a balance between granting interns hands-on experience and maintaining sufficient control to avoid liabilities. In high-trust professions, such as notary work, where even minor mistakes can have serious legal implications, unclear supervision standards can lead to ethical challenges. Supervisors may feel compelled to limit their involvement in complex tasks to mitigate risk, which ultimately hampers the intern's learning experience. This cautious approach, while protecting the notary, may undermine the quality of training that the interns receive, leaving them unprepared for the responsibilities of a fully licensed notary.

Additionally, status differences can result in inconsistent supervision practices across notarial offices, with each supervising notary adopting different levels of oversight, based on personal risk tolerance. This inconsistency poses a risk to the notarial profession's reputation, as varying degrees of mentorship can lead to

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<sup>27</sup> Nicholas Ladany, Yoko Mori, and Kristin E Mehr, 'Effective and Ineffective Supervision', *The Counseling Psychologist* 41, no. 1 (2013): 29.

<sup>28</sup> Anne Marie Wheeler and Burt Bertram, *The Counselor and the Law: A Guide to Legal and Ethical Practice* (John Wiley & Sons, 2019).

inconsistent standards in internal competency. To address these challenges, it is essential to establish clearer supervisory frameworks that delineate internal responsibilities and supervise notary accountability. Such guidelines would mitigate risks by ensuring that interns receive effective mentorship while protecting supervising notaries from undue liability. Standardized practices can also enhance the quality of notarial training and uphold the profession's ethical standards, creating a more structured and legally secure environment for both interns and supervisors.

### **1.3 Practical Challenges and Legal Gaps in Supervising Notary Interns**

The supervision of notary interns presents various practical challenges that can create legal risks for supervising notaries. One of the primary challenges is the lack of explicit regulations regarding the boundaries of a notary's responsibility to oversee interns. Current regulations such as Article 16A of the Notary Position Law are generally broad and do not provide specific guidance on the extent of supervision required or the notary's liability when an intern commits errors or violations. Research by Dearmon shows that regulatory ambiguity in supervisory roles can create grey areas, increasing legal risks for professionals in mentoring positions.<sup>29</sup>

In practice, notaries often struggle to limit the interns' access to sensitive documents and information. In notarial work environments, interns frequently handle clients' private information that is protected by confidentiality principles. However, involving interns in such processes introduces the risk of data leakage or misuse if supervision is not strictly maintained. This regulatory gap also affects the consistency of internship practices across notarial offices. Without standardized guidelines, each office may employ different approaches to supervision, affecting the quality of training received by interns. In the notarial field, this situation creates a risk whereby inadequately trained interns may contribute to unethical or illegal practices, posing a reputational risk to the notarial profession as a whole.

Supervising notaries faces complex practical challenges when overseeing notary interns, particularly in managing access to sensitive client information and maintaining data confidentiality. Interns often need to be involved in document preparation, and may gain access to clients' personal data as part of their training experience. However, this involvement poses potential risks, as critical information can be leaked or misused if interns do not fully understand the importance of confidentiality. In the context of notarial work, safeguarding confidentiality is one of the fundamental principles that must be strictly upheld

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<sup>29</sup> Valorie Dearmon and BC NEA, 'Risk Management and Legal Issues', *Management and Leadership for Nurse Administrators*. 6th Ed. Burlington, MA: Jones and Bartlett Learning 586 (2013).

Additionally, supervising notaries must often decide the amount of access to grant interns without exposing client data to unnecessary risks. Some notaries may feel compelled to limit interns' roles in tasks involving sensitive data, but this restriction can negatively affect the interns' learning experience. In many jurisdictions, notaries face a dilemma between providing adequate training and ensuring that the interns do not place client data at risk.

Another issue arises from the lack of uniform standards for supervising interns, which leads to inconsistent practices across different notarial offices. This inconsistency can result in varied supervisory approaches, with some offices granting broader access to interns, whereas others adopt a more restrictive stance. Such discrepancies not only threaten professional standards within the notarial field, but also increase legal risks for notaries if interns make errors or violate client privacy due to uncontrolled access. Without clear guidelines, supervising notaries often relies on various internal policies, which ultimately creates legal uncertainty.

Challenges in supervising notary interns create significant legal risks for notaries, especially potential litigation and reputational damage. If an intern makes a mistake or engages in misconduct, such as mishandling sensitive client information, the supervising notary can be held legally responsible for insufficient oversight. The lack of specific supervisory guidelines leaves notaries vulnerable to lawsuits where clients may sue for negligence or privacy violations due to an intern's inappropriate actions.<sup>30</sup>

These legal risks extend beyond litigation and can also severely damage the reputation of the supervising notary and notarial profession as a whole. Public trust in notarial work relies heavily on ethical and professional standards. Any incident involving an intern's violation could tarnish the professional image of a supervising notary. In a reputation-driven industry, such negative impacts on public trust may lead to a loss of potential clients and diminish the notarial office's professional standing.<sup>31</sup>

Furthermore, the absence of clear guidelines defining the limits and responsibilities of supervising interns exacerbates the situation, as notaries may feel uncertain about their supervisory role. This uncertainty can lead to two opposing scenarios: either the notary restricts the intern's access excessively, which ultimately hampers their learning process, or allows too much freedom, thereby increasing the risk of mistakes or misconduct. Without a robust legal framework, inconsistent

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<sup>30</sup> Nadine J Kaslow et al., 'Recognizing, Assessing, and Intervening with Problems of Professional Competence.', *Professional Psychology: Research and Practice* 38, no. 5 (2007): 479.

<sup>31</sup> Frederic G Reamer, 'Social Workers' Management of Error: Ethical and Risk Management Issues', *Families in Society* 89, no. 1 (2008): 65.

interpretations and supervisory practices become significant issues, heightening the likelihood of legal conflict if deviations occur.

Considering these risks, it is essential for notaries to not only perform their supervisory duties but also document every aspect of the training and the limitations imposed on the intern. Such documentation could serve as evidence of the notary's commitment to responsible supervision, ultimately protecting them from unnecessary legal risk. Developing stricter supervisory guidelines and structured standards would help notaries minimize litigation risks and maintain the integrity of the notarial profession.

Several practical steps can be implemented by supervising notaries to address the challenges of supervising notary interns. First, the development of clear and standardized supervisory guidelines is essential to establish the boundaries of the notary's responsibility over interns. These guidelines should include specific instructions regarding interns' access to client documents, the tasks they are permitted to perform, and the defined limits of their responsibilities. Second, mandatory training on ethics and confidentiality should be conducted at the beginning of the internship to ensure that interns understand the importance of safeguarding client information and the consequences of potential violations. Third, it is advisable for notaries to document all supervisory activities, assigned tasks, and incidents related to possible breaches during the internship. This documentation serves as evidence of the notary's commitment to responsible supervision, and can act as a protective measure in the event of legal conflicts.

In addition, limited access protocols for sensitive information should be implemented, allowing interns to restrict or directly supervise access when handling client data. This protocol can help maintain client confidentiality while still providing interns with valuable learning experience. Regular evaluations are also highly recommended, enabling notaries to assess internal performance, provide feedback, and promptly address minor breaches before escalating into serious issues. Finally, collaboration with professional notary associations to develop best practice standards in internal supervision is strongly advised, promoting consistent supervisory standards across different notary offices. Through these steps, notaries can offer effective training to interns while minimizing legal risks and protecting the reputation of the notarial profession.

## CONCLUSION

This study uncovers critical gaps in Indonesia's legal framework concerning the supervision of notary interns, specifically under Article 16A of Law No. 2 of 2014. The findings reveal that while the article establishes a foundation for mentorship responsibilities, it lacks detailed guidelines on supervisory boundaries, exposing

notaries to significant legal and reputational risk. Supervising notaries faces challenges in balancing their roles as mentors and protectors of client confidentiality, particularly when interns commit misconduct or errors beyond their control. Comparatively, more developed legal systems provide clearer frameworks for mitigating such risks, highlighting the need for a similar approach in Indonesia. This study contributes to the discourse by emphasizing the urgency of refining legal protections for supervising notaries and enhancing the ethical and professional standards of notarial training.

By employing a normative juridical method with statute and conceptual approaches, this study effectively identified and analyzed regulatory gaps in the context of supervising notary interns. This approach allows for an in-depth examination of existing legal provisions, while incorporating international best practices to propose actionable recommendations. The prescriptive nature of this study provides practical insights into balancing supervisory accountability and legal protection, addressing an underexplored area in the notarial profession. The methodology demonstrates its capacity to uncover hidden challenges in regulatory frameworks and to propose solutions that align with both professional standards and public trust.

This study is limited by its focus on the Indonesian legal framework and does not incorporate empirical data from stakeholders, such as supervising notaries or interns. Future research could address this limitation by conducting interviews or surveys to gain firsthand insight into the practical challenges faced by notaries. Comparative studies across jurisdictions with well-established notarial systems can offer valuable lessons for enhancing supervisory practices in Indonesia. Exploring the impact of digitalization on notarial internships and the integration of technology-driven oversight mechanisms presents another promising avenue for further investigation. This research could contribute to the continuous improvement of notarial training and mentorship systems worldwide.

## **DISCLOSURE**

### **Conflicts of Interest**

The authors declare no conflicts of interest regarding the publication of this paper.

### **Disclaimer Statement**

This article was prepared by Selma Nabila, Hanif Nur Widhiyanti, and Diah Aju Wisnuwardhani, for informational and academic purposes. The views and opinions expressed in this publication are those of the authors and do not necessarily reflect the official policy or position of any institution affiliated with them. This article does not

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Selma Nabila, the lead author, formulated the research framework, conducted a comprehensive literature review, and analyzed legal provisions regarding notaries and notary interns in Indonesia. Hanif Nur Widhiyanti significantly contributed to the research methodology, designed normative legal methods, gathered primary data from case studies and interviews with notaries, and analyzed the findings. Diah Aju Wisnuwardhani reviewed the draft manuscript, ensured the accuracy of the legal analysis, strengthened the theoretical framework on legal protection, validated references, and maintained ethical academic standards. All authors participated in discussions and revisions and approved the final version for submission.

### **Author Bionote**

Selma Nabila, an expert in notarial law and legal ethics, holds a law degree and has contributed to studies on notarial responsibilities and legal frameworks in Indonesia by focusing on legal accountability and professional ethics. Hanif Nur Widhiyanti, specializing in Indonesian law and regulatory compliance, has conducted normative and legislative research to enhance legal standards in notarial practices, emphasizing practical solutions for legal protection. Diah Aju Wisnuwardhani, a lecturer and researcher in civil and notarial law, has extensively published on legal protections, notarial responsibilities, and ethical training, currently examining the impact of regulatory frameworks on notarial training and supervision in Indonesia.

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