

Juridical Analysis of The Role Of Notary in The DED Of Establishment Of PT. Rural Banks (Research Study in Credit Bank Putra Batam)

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ABSTRACT

Notaries play a role in making deeds, one of which is the deed of establishment of a limited liability company. The presence of various regulations in the field of business becomes a reference for business actors in their activities and in the process of establishing a Limited Liability Company, where a notary has a dominant role in the legalization of a Limited Liability Company specifically regarding the establishment of the Limited Liability Company. The results of the study indicate that the legal arrangement in making the deed of establishment of a Limited Liability Company for Rural Banks at PT. The Putra Batam Rural Bank is basically well regulated through various existing legal instruments. In its implementation, the notary as a public official, in addition to confirming the will of the parties which will be stated in the form of the Deed of Establishment of a Limited Liability Company, also has the authority to provide legal counseling related to the making of the deed of establishment of PT. With the existence of the Legal Entity Administration System (SABH), it has provided convenience in the management of PT for Notaries who manage the deed of establishment of PT for business actors/investors. As a solution, in addition to socialization and education provided by the government and notaries, the government also needs to establish a legislation governing Limited Liability Companies whose rules do not conflict with each other, are in line/harmonious and simple at every level of regulation and contain certainty in terms of administrative management time. Limited Liability Company to be easily understood and implemented in an orderly and consistent manner without any problems.

Keyword : *Notary, Deed of Establishment of Limited Liability Company (PT), and Legal Entity Administration System (SABH).*

INTRODUCTION

The Deed of Establishment basically regulates various kinds of rights and obligations of the founding parties of the company in managing and running the limited liability company. The rights and obligations that constitute the contents of the agreement are hereinafter referred to as the "Articles of Association" of the company, as confirmed in Article 8 paragraph (1) of the Limited Liability Company Law. The granting of the legal status of the Limited Liability Company must meet certain requirements, namely after the deed of establishment has been approved by the Minister of Justice as stipulated in Article 7 paragraph (4) of the Limited Liability Company Law which states as follows: validation of company's legal entity".

The requirement for the Deed of Establishment in the form of a notary deed, not only serves as evidence of the agreement for the establishment of the company, but the notarial deed is based on Article 7 paragraph 1 of Law Number 40 of 2007 concerning Limited Liability Companies, as well as being and functioning as *solemnitas causa*, that is, if it is not made in the notarial deed, the deed of establishment of the company did not meet the requirements, so that the government was not authorized by the government in this case the Minister of Law and Human Rights (M. Yahya Harahap, 2009: 169). The deed made by a notary has an important role in creating legal certainty in every legal relationship, because the notary deed is authentic, and is the strongest and most complete evidence in every case related to the notary deed (Sjaifurrachman, 2011: 7).

The function of a notary in the field of business according to A.W. There are two voors, namely First, the making of a contract between the parties, in which case an action begins and ends in a deed, for example a sale and purchase agreement. In this case, notaries have been skilled with the existence of models in addition to knowing and understanding the law. Second, making a contract that actually starts something and is the basis of a relationship that lasts for a rather long period of time. In this case, a notary needs a sharp vision of the material and the ability to see far ahead, whether there is a danger, and what might happen (Tan Thong Kie, 2007: 452).

A notary in carrying out his position must be able to act professionally based on a noble personality by always implementing the law while upholding his professional code of ethics, namely the notary code of ethics. In addition, notaries as public officials must be able to follow legal developments so that in providing their services to the community, in helping to overcome and meet growing legal needs, they can provide solutions that are justified by law (Putri A.R, 2011). The position of a notary, apart from being a position that deals with technical legal issues, must also actively participate in the development of national law, therefore notaries must always always live up to the idealism of the nation's struggle as a whole (Suhrawardi K. Lubis, 2006: 35).

The notary in making the deed of establishment of the company must be able to provide an explanation related to the requirements and procedures/procedures of establishment, especially if there are special rules in a certain area which will later become the legal domicile of the PT, and apply for other permits related to the establishment of the PT. These permits are needed so that the PT can carry out operational activities when dealing with third parties. Another authority of a notary related to the establishment of a PT is to provide legal counseling related to the making of the deed of establishment. This has been confirmed in the provisions of Article 15 paragraph 2 letter e of Law Number 2 of 2014 which states that a notary is also authorized to provide legal counseling in connection with the making of a deed. Because not all the founders of the company understand and understand the administrative system and the process of submitting approval. Notaries as public officials in the establishment of a PT must be able to provide counseling from before the deed was made until the deed until the registration stage.

The deed of establishment containing the articles of association must be approved by the Minister of Law and Human Rights. At first the work process was done manually starting from receiving files which included checking names, payments and making control cards. The documents in this manual process are all still in the form of report papers, including the establishment, approval and report. With the way this manual system works, delays often arise, this is very likely to happen because officers have to check incoming applications one by one, while the number of incoming applications is far more than the capacity of the existing officers. The risk of errors in the examination of documents as well as evidence of completeness of documents submitted to the Ministry of Justice and Human Rights is greater, and the level of accuracy of the examination is low (<https://onlinejournal.unja.ac.id/RR/article/download/9843/5717/24994>). For notaries, this manual system is a dilemma. Notary service users always expect that the company's legalization process can run quickly and on time, therefore it is not uncommon for people to think that a notary is also a "service bureau" which is responsible for the accuracy and timeliness of completing the ratification process.

Along with the times, it seems that Law Number 40 of 2007 concerning Limited Liability Companies itself has begun to be unable to accommodate the dynamics of the business world, this is evidenced by the many supporting regulations so that the business world remains in the legal corridor it should be. One of them in 2000, the government issued a new regulation regarding the registration of limited liability companies through the SABH legal entity administration system (formerly called SISMINBAKUM) (<https://onlinejournal.unja.ac.id/RR/article/download/9843/5717/24994>).

The presence of regulations in the business sector becomes a reference for business actors in carrying out their activities and in the process of establishing a Limited Liability Company, where a notary has a dominant role in the legalization of Limited Liability Companies specifically regarding the establishment of Limited Liability Companies. The Legal Entity Administration System or SABH (formerly known as SISMINBAKUM) is a type of legal service provided to the business community in the process of ratifying PT legal entities, granting approval for changes to the articles of association of PT, receiving notification of changes to the articles of association of PT and changes to PT data, as well as notification of information others electronically (via computer networks and the internet), organized by the Directorate General of General Legal Administration (DG AHU) at the Ministry of Law and Human Rights of the Republic of Indonesia (Dwi Hariyani, R. Serfianto Dibyo Purnomodan Cita Yustisia Serfiyani, 2011: 13).

The establishment of a Legal Entity Administration System (SABH) is a form of optimizing legal services by the government to the public by using an online information technology network, where the Ministry of Law and Human Rights of the Republic of Indonesia, especially the Directorate General of General Legal Administration continues to provide the best service to the community. (SABH-NG Responding to the Challenges

of the Times, Appreciated by Many Countries, Renvoi Magazine Number 7/79, December Th 07/2009).

The legal entity legalization process in the Legal Entity Administration System is carried out online by a Notary where the Notary only needs to access the Legal Entity Administration System application program online. After the ratification process is complete and the company obtains approval. This approval will not be given if it is deemed that there are things that are contrary to decency or public order. After receiving approval from the Minister of Law and Human Rights, the deed of establishment along with the full articles of association must be announced in the State Gazette as well as in newspapers, so that the public can know. Also, every amendment or addition to the articles of association must be approved by the Minister and announced.

Such is the case with the establishment of a limited liability company PT. Putra Batam Rural Bank. Established based on the deed of establishment number 07, April 4, 2008, made by Notary Hery Ridwanto, SH, Notary in Batam Municipality. This limited liability company has the purpose and objective of running a special business in the banking sector as a rural credit bank. To achieve its goals and objectives, the company can carry out business activities, namely collecting public funds, providing credit, providing financing, placing funds, and auctioning collateral. The company's organs are 2 Directors, namely the President Director and Director, then 2 Commissioners, namely the President Commissioner and the Commissioner. The company has obtained approval from the Minister of Law and Human Rights with Decree Number: AHU-21441.AH.01.01.Tahun 2008 dated April 28, 2008. To discuss further, the authors are interested in raising it into a scientific research in the form of a thesis with title "Juridical Analysis of The Role Of Notary in The DED Of Establishment Of PT. Rural Banks (Research Study in Credit Bank Putra Batam)".

LITERATURE REVIEW

The sources of literature in this study include the collection of legal materials consisting of primary, secondary and tertiary legal materials by taking into account their validity and reliability. Primary legal materials are collected by collecting legal products and laws and regulations relating to notarial and corporate law, including those relating to them. Secondary legal materials are collected by searching, finding and examining the results of previous researches related to this research. And for tertiary legal materials in the form of books on law, be it legal dictionaries, encyclopedias and articles related to supporting materials for research analysis related to agrarian law, including those relating to it.

RESEARCH METHODOLOGY

This research method belongs to the type of normative/doctrinal legal research or legal research literature which is supported by sociological/empirical legal research related to the effect of the enactment of positive law (Positive Legal Effectiveness) regarding the Role of Notaries in Making the Deed of Establishment of PT. Rural Bank at Putra Batam Rural Bank.

This writing is based on the data obtained which consists of secondary data in the form of primary legal materials in the form of laws relating to research cases and data, then compiled systematically for further qualitative analysis associated with problems. It is also supported by data obtained from interviews. In drawing conclusions, this study uses the Inductive method.

DISCUSSION

Legal Regulations Regarding the Making of the Deed of Establishment of a Limited Liability Company for Rural Banks

The establishment of a Rural Bank (BPR) requires a business license from Bank Indonesia as well as a Commercial Bank. The process for a business license from Bank Indonesia requires 2 stages, namely the principle approval stage and the acquisition of a business license. As long as one or both of these processes have not been fulfilled, the RB cannot carry out any business activities in the banking sector. The conditions for establishing a BPR are regulated in the Decree of the Board of Directors of BI No.32/35/Kep/Dir, concerning Rural Banks dated May 12, 1999. The general conditions for establishing a BPR are, firstly, a BPR can only be established and conduct business activities with the permission of the Board of Directors of Bank Indonesia. Second, a BPR can only be established by:

- a. Indonesian Citizens whose entire ownership is by Indonesian Citizens;
- b. Indonesian Legal Entities whose entire ownership is by Indonesian Citizens;
- c. Local government; or
- d. Two or more parties as referred to in letter a, letter b, and letter c.

The provisions for capital participation in the establishment of a BPR are divided into three, namely as follows:

1. Paid-up capital to establish an RB is set at least as much as:
 - a. Rp. 2,000,000,000 (Two billion Rupiah) for BPRs established in the Special Capital Region of Greater Jakarta and the Regencies/Municipalities of Tangerang, Bekasi, and Karawang;
 - b. Rp. 1,000,000,000 (One Billion Rupiah) for an RB established in the provincial capital area outside the area referred to in letter a;
 - c. Rp. 500,000,000 (five hundred million rupiah) for an RB established outside the said area in letter a and letter b.
2. Paid-up capital for an RB legally incorporated as a Cooperative is principal savings, mandatory savings, and grants as stipulated in the law on cooperatives;
3. The part of the paid-up capital of the RB used for working capital is at least 50% (fifty percent).
Furthermore, those who can become owners of Rural Banks are the following parties:
 - a. Not included in the list of disgraceful people in the banking sector in accordance with what is applied by Bank Indonesia.
 - b. According to Bank Indonesia's assessment, the person concerned has integrity, among others: Having good character and morals; Comply with the applicable laws and regulations; Willing to develop a healthy BPR.

The legal system for establishing a BPR as a PT which is regulated by law and the regulations under it, whether regulated by the Minister of Law and Human Rights or Bank Indonesia, with various system improvements from year to year, is an effort to ensure that the established rules are effective and efficient in the establishment of a PT. BPR in Indonesia. However, the system as a legal substance needs to be supported by a legal structure and a good legal culture in its implementation. As stated by Lawrence M. Friedman, that there are three components in the legal system that determine the effectiveness of the law taking place in the community, namely: The legal structure, namely the entire existing legal institutions and their apparatus, including among others the Police and their Police, the Prosecutor's Office with its Prosecutors, the Court with its Judges, and others. Legal substance, namely the entire rule of law, legal norms, and legal principles, both written and unwritten, including court decisions. Legal culture, namely opinions, beliefs (beliefs, habits, ways of thinking, and ways of acting, both from law enforcers and from citizens, about the law and various phenomena related to law (Achmad Ali, 2009: 204).

In this case, the legal structure of law enforcement for the establishment of a limited liability company is a notary, the Ministry of Law and Human Rights and Bank Indonesia. Meanwhile, the supporting factor is the legal culture of investors/business actors in carrying out these regulations, which are basically legal arrangements regarding the establishment of limited liability companies in the field of BPR that have been properly regulated through various existing instruments.

Implementation of the Notary's Role in Making the Deed of Establishment of PT. Rural Bank at PT. Batam Putra Rural Bank

John Austin argues that analytic law is one that contains the provisions of orders, sanctions and sovereignty. First, the commandment requires the other person to do his will. Second, the ruled party will experience suffering (sanctions) for those who do not implement it. Third, the commandment is a distinction between the obligations of those who are governed and those who govern. Fourth, the order will only be carried out if the ruling party is a sovereign party. In his theory (analytical jurisprudence), there are two forms of law, namely positive law (laws) and positive morality (customary law). So the legal logic is a law, customary law will be recognized if it is confirmed as law by an authorized official" (Idham, 2010: 23). the will of the government so that investors/business actors do what is stipulated by the government as a condition for establishing a PT in Indonesia.

The Legal Entity Administration System (SABH) was originally known as SISMINBAKUM which is an online system created by the Ministry of Law and Human Rights of the Republic of Indonesia, to speed up the process of legalizing a Limited Liability Company legal entity. The transformation of SISMINBAKUM into a Legal Entity Administration System (SABH) is a form of optimizing legal services by the government to the public by using online information technology networks. Before starting the Deed of Establishment, the Notary must first check the name of the company that will be used in the "http://www.ahu.go.id" website, where this goes through a process that must be carried out in the SABH provided by the Directorate General of AHU as a service provider.

Every Notary who will access the SABH must register himself with the service provider whose representative is in the Department of Law and Human Rights. Furthermore, the Notary is given a password or password consisting of a series of letters or numbers that can be changed according to the wishes of the Notary concerned. In addition, the Notary is also equipped with a user ID or the name of the user, usually the name of the Notary himself, to be used in opening or starting access to the SABH website at <http://www.ahu.go.id>.

Thus, the only person who can apply for ratification of Notary deeds is the Notary himself, and no longer can the service bureau or other people and even people within the company take direct care of the legalization process. online either by the general public or by a notary with the terms and conditions set by the Directorate General of General Legal Administration (DG AHU). In Article 1868 it is determined as follows: "Authentic deed is a deed made and inaugurated in legal form, by or before public officials, authorized to do so, where the deed was made. Regarding the strength of proof as an authentic deed, it is stipulated in Article 1870 of the Civil Code: "An authentic deed provides between the parties and their heirs or people who get rights from them, a perfect piece of evidence about what is contained therein".

Furthermore, the Company consists of various types and one type of company is a Limited Liability Company (PT). What is regulated in the Law of the Republic of Indonesia Number 40 of 2007 concerning Limited Liability Companies Article 1, in this Law the definition of a Limited Liability Company (PT), hereinafter referred to as a Company, is a legal entity which is a capital partnership, established based on an agreement, conducting activities business with authorized capital which is entirely divided into shares and fulfills the requirements stipulated in this Law and its implementing regulations. Because PT is a business entity that aims to seek profit, it directly or indirectly deals with a lot of third parties and to be able to provide legal certainty in the business activities that have been carried out it is necessary to have an authentic deed made before a Notary and registered with the Registrar of the District Court. local. As an authentic deed, the deed of establishment of the PT in addition to proof, also regulates the internal workings so as not to cause misinterpretation in the future and for the sake of order in legal traffic and to regulate the way of settlement when the PT ends.

Making the deed of establishment of PT. Putra Batam Rural Bank in 2008, created by Notary Hery Ridwanto, SH, Notary in Batam Municipality. This limited liability company has the purpose and objective of running a special business in the banking sector as a rural credit bank. To achieve its goals and objectives, the company can carry out business activities, namely collecting public funds, providing credit, providing financing, placing funds, and auctioning collateral (Suvianto Wangdara, 2021). PT. The Putra Batam People's Credit Bank was established and has basically complied with the provisions of the laws and regulations in force in this country.

In Article 15 paragraph (1) of Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Position of a Notary, it only stipulates that the authority of a Notary is very general. The provision stipulates as follows: "The notary is authorized to make an authentic deed regarding all actions, agreements and provisions required by a statutory regulation and/or by the interested party to be stated in an authentic deed, guarantees the certainty of the date of making the deed, keeps deed, providing grosse, copies and quotations of deed, all of which as long as the making of the deeds is not assigned or excluded to other officials stipulated by law (Arman Lany, 2016: 291–312).

The development of the function and role of a notary in an electronic transaction was then introduced to the term Cyber Notary (Edmon Makarim, 2013: 117). Notaries are also guided to be able to use the concept of a service that is fast, precise and efficient, so as to accelerate the rate of economic growth (R.A. Emma Nurita, 2012: 17). The use of this technology is also due to the fact that the digital world is an inexpensive means to promote and increase users, so there is no harm in using this technology as well. Another benefit of this technology is that it can reach promotions and services to remote areas without the need for expensive costs. One form of service provided by the appearer as a form of trust in a notary is the granting of power to manage company licensing through an Electronically Integrated Business Licensing or Online Single Submission (OSS). The party who registers the company's license through the Online Single Submission system is registered by business actors and other parties such as Legal Consultants and Notaries.

The provision of services to the community (Public Services) and general welfare is the main obligation for the state. One of the obligations of the government is to play a role in the process of service delivery. The provision of government services to the community is to act as a catalyst that accelerates the process according to what it should be. Government action as a catalyst will certainly be the foundation of government organizations in providing the best service to the community. The services provided by the government to the community are largely determined by the service system. So that people can feel that the services provided by the government can be affordable, easy, fast, and efficient both in terms of time and financing (Adrian Sutedi, 2010: 103).

So far, society basically connotes the services provided by government officials to the community tend to be unsatisfactory and even of poor quality. Unsatisfactory services can be seen from the number of complaints

submitted by the community to unscrupulous government officials who provide services to the community (Effendi Taufiq, 2003: 12).

The government is trying to create an optimal service system to meet the needs of the community in managing permits. One of the government's actions is the issuance of Government Regulation Number 24 of 2018 concerning Electronically Integrated Business Licensing Services or better known as Online Single Submission (OSS). The regulation was issued as mandated by Presidential Regulation Number 91 of 2017 concerning the Acceleration of Business Implementation. The OSS system was built in the context of accelerating and increasing investment and business, by implementing an electronically integrated business license. Government Regulation Number 24 of 2018 concerning Electronically Integrated Business Licensing Services, the government regulates, among others, the types, applicants, and issuance of business licenses; implementation of business licensing; business licensing reform by sector, OSS system, OSS institution, OSS funding; incentives or disincentives for implementing business licensing through OSS; solving business problems and obstacles; and sanctions. As a public official who carries out public services in the field of legal services, it is necessary to distinguish between notary errors and mistakes in carrying out their duties (Paulus Efendi Lotulung, 2002: 3).

In the private sphere, the legal relationship will include the relationship between individuals, while in the public sphere, the legal relationship will include the relationship between citizens and the government as well as the relationship between fellow members of the community which are not intended for commercial purposes, which include public services. and information transactions between Government organizations on this matter then in the ratification of the deed of establishment of foundations, cooperatives and limited liability companies is the next step after the deed of establishment is made, namely an application to the Minister of Law and Human Rights of the Republic of Indonesia.

At the time PT. The Batam Putra Rural Bank was formed in 2008, but has not used the Legal Entity Application System (SABH) application, which is integrated with the Online Single Submission (OSS). When it was formed in 2008, it was still using the Legal Entity Administration System (SISMINBAKUM).

Factors Constraints and Solutions to the Procedure for Making the Deed of Establishment of a Limited Liability Company for Rural Banks at PT. Putra Batam Rural Bank By Notary

The knowledge of business actors/investors regarding the procedure for establishing a limited liability company (PT) is minimal, considering that business actors usually submit fully to the Notary to make the wording of establishment without knowing the essence and importance of the various actions taken in the establishment of the PT. The important thing is that the deed is ready and in accordance with the provisions of the applicable laws and regulations. This is recognized by the Director of PT. BPR Putra Batam, Suvianto Wangdra. However, the company needs to pay attention to the latest legal developments and know more or less about the process of ratifying a PT legal entity, granting approval for changes to the PT's articles of association, receiving notifications of changes to the PT's articles of association and changes to PT data, as well as other information notifications online which are currently more updated. as well as basic legal knowledge for business actors/investors.

If business actors/investors know the basic legal knowledge and developments related to various matters regarding Limited Liability Company law to prevent conflicts in the future as a result of ignorance of business actors in the process of establishing PT from the beginning. Talcott Parsons said that as a social sub-system, law functions to integrate, regulate individual activities in meeting their needs and prevent conflicts and other things that interfere with the smooth running of social interactions and community productivity. As the sub-system closest to the organic physical environment, the economic sub-system adapts to the bio-physical environment of human life. Without the adaptation function carried out by this economic sub-system, the community cannot sustain life in the midst of environmental changes (Ronny Hanitijo Soemitro, 1989: 30).

Therefore, the basic knowledge of PT law which has now even been updated with the issuance of the Job Creation Act is at least understood by business actors, both PT in the field of banking business entities and other fields. This serves to avoid legal problems and to capture new business establishment opportunities with the current establishment system that is more effective and accessible.

Suvianto Wangdra explained that "the various stages of the process of establishing a Limited Liability Company (PT) BPR Putra Batam including the Test and Proper Ownership Test (PSP) prior to establishment and so on, the process takes about 6 months, the first capital is 2 billion (Suvianto Wangdra, 2021) . The process of establishing PT BPR was carried out in 2008, and took 6 months. Of course this is a problem, which must be improved in the future. With the development of technology and information, the ease of access and reach of information in dealing with the OSS system. The development of the function and role of a notary in an electronic transaction is then introduced with the term Cyber Notary (Edmon Makarim, 2013: 117) is expected to be able to shorten the completion time of the establishment of a Limited Liability Company. Because Notaries are guided to

be able to use the concept of a service that is fast, precise and efficient, so as to accelerate the rate of economic growth (R.A. Emma Nurita, 2012: 17).

The use of this technology due to the rapid development of the digital world is an inexpensive means to promote and increase users, so there is no harm in taxes also using this technology. Another benefit of this technology is that it can reach promotions and services to remote areas without the need for expensive costs. One form of service provided by the appearer as a form of trust in a notary is the granting of power to manage company licensing through an Electronically Integrated Business Licensing or Online Single Submission (OSS). The party who registers the company's license through the Online Single Submission system is registered by business actors and other parties such as Legal Consultants and Notaries. This is a proboscis in shortening dealing time and reducing the usual costs of setting up a company.

Suvianto Wangdra said in accordance with the existing procedures. Before making a PT deed, make a principle permit first. Managed by PT. PMM (Independent Investment) to complete and complete dealings at Bank Indonesia (Suvianto Wangdra, 2021). The use of this service, of course, costs quite a bit, because the entrepreneur who wants to establish a PT must pay a lot of money.

Bank Indonesia should also start by using the company's licensing management system through the Electronically Integrated Business Licensing or Online Single Submission (OSS). So that anyone, anytime and anywhere, everyone who wants to establish a PT can directly access and manage principle permits easily and affordably. This cuts the third-party link, and reduces the high management costs.

Expansion of the existing authority based on good planning with reference to the reality that exists in the community, namely guidance on assistance to the services of a Notary in carrying out his duties. in an impartial legal action. Maximizing the role of legal profession bearers, especially notaries, is expected to increase public legal knowledge from just understanding man on the street as van Apeldoorn termed it (L.J. Van Apeldoorn, 2011: 15.).

A notary is a person who has the scientific potential to carry out his main task, namely making evidence in the form of an authentic deed (Suhwardi K Lubis, 2006: 38). This scientific potential must be accompanied by a sense of responsibility for the Notary to play a role in efforts to increase the legal knowledge of the community. This responsibility certainly does not need to be questioned, because it is in line with the characteristics of the legal profession who must have a spirit of devotion (Muhammad Afet Budi, 2016: 285). The spirit of dedication of a State Official, in this case a Notary, is to provide education and socialization related to knowledge to his clients. But besides that, it is also necessary to make efforts from the government in disseminating information to business actors/investors related to the new rules and systems for establishing business entities.

In addition, it should be remembered that an 18th century philosopher, a French national, namely Montesquieu, warned long ago that the law must be concise and easy to understand so that it would be meaningful to anyone who reads it. Unnecessary changes in existing laws, laws that are difficult to enforce, and laws that are completely unnecessary should be avoided, as such laws weaken the authority of the legal system in general. Laws should be uncomplicated because they are designed for ordinary knowledgeable people. It is not designed for a logician, but for people who have common sense (the layman in general) (Montesquieu, 2007: 357).

Therefore, it is time for the government to form a statutory regulation concerning Limited Liability Companies whose rules do not conflict with each other, are in line/harmonious and simple at every level of regulation and contain certainty in terms of time for the administration of Limited Liability Companies so that they are easily understood and implemented in an orderly and consistent manner without there is a problem.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions.

Legal arrangements in making the deed of establishment of a Rural Bank Limited Liability Company at PT. The Putra Batam Rural Bank is basically well regulated through various existing legal instruments. Implementation of the role of the Notary in making the deed of establishment of PT. Rural Banks can be said that in carrying out their duties and authorities as public officials, the Notary in addition to confirming the will of the parties which will be stated in the form of the Deed of Establishment of a Limited Liability Company also has the authority to provide legal counseling related to the making of the deed of establishment of PT. With the existence of the Legal Entity Administration System or SABH which is a type of legal service provided to the business community in various processes related to PT legal entities as well as other information notification electronically, which is organized by the Directorate General of General Legal Administration (Ditjen AHU) at the Ministry of Law and The Human Rights of the Republic of Indonesia, of course, provides convenience and more order in the management of PT for Notaries who manage the deed of establishment of PT for business actors/investors. In

addition, this policy is a follow-up to the issuance of Government Regulation Number 24 of 2018 concerning Electronically Integrated Business Licensing Services or also known as Online Single Submission (OSS).

Factors that become obstacles to the role of the Notary in making the deed of establishment of PT. Rural Bank at PT. The People's Credit Bank Putra Batam, among others, are First, the Low Understanding of Business Actors Regarding the Procedure for Making the Deed of Establishment of a Limited Liability Company for Rural Banks. Second, the length of time the process of forming PT. Third, the inability to prepare the required documents determined by Bank Indonesia by the PT in managing the principle license. And the solution is that socialization needs to be carried out by Notaries and the Government to business actors regarding the existence of the latest rules and systems in addition to the need to establish a statutory regulation regarding Limited Liability Companies whose rules do not conflict with each other, are in line/harmonious and simple at every level of regulation and contain certainty in terms of time. administrative management of the Limited Liability Company so that it is easily understood and carried out in an orderly and consistent manner without any problems.

Suggestion.

For the Government, it is necessary to establish a statutory regulation that regulates Limited Liability Companies whose rules do not conflict with each other, are in line/harmonious and simple at every level of regulation and contain certainty in terms of time for the administration of Limited Liability Companies so that they are easily understood and implemented in an orderly and consistent manner without there is a problem. Notaries need to explain and educate each applicant regarding the legal consequences of various aspects of the establishment of the Limited Liability Company (PT) so that it can be accepted and not rejected by the Ministry of Law and Human Rights at the time of registration.

For the community, the government needs to carry out socialization to the community, especially to business actors, owners and management of Limited Liability Companies, Limited Partnerships, Firm Partnerships and Civil Partnerships so that they are aware of the various new regulations.

REFERENCES

1. Arman Lany. (2016). *'Kepastian Dan Perlindungan Hukum Dalam Pendirian Perseroan Terbatas Melalui Sistem Administrasi Badan Hukum Menurut Undang-Undang Nomor 40 Tahun 2007 Tentang Perseroan Terbatas'*. Universitas Padjadjaran. Jurnal Ilmu Hukum (*Journal of Law*). 2.2.
2. Ali, Achmad. (2009). *Menguak Teori Hukum (Legal Theory) dan Teori Peradilan (Judicialprudence)Termasuk Interpretasi Undang-Undang (Legisprudence)*. Jakarta: Kencana.
3. Dwi Hariyani. R. Serfianto Dibyo Purnomodan Cita Yustisia Serfiyani. (2011). *Panduan Praktis SABH SistemAdministrasi Badan Hukum*. Cetakan Pertama. Yogyakarta: Pustaka Yustisia.
4. Edmon Makarim. (2013). *Notaris dan Transaksi Elektronik;Kajian Hukum tentag Cyber Notary atas Electronic Notary*. Jakarta: PT Raja Grafindo Perkasa.
5. Effendi Taufiq. *Tingkatan Pelayanan Publik*. (Suara Pembaruan. 9 Mei 22 Oktober 2003).
6. Idham. (2010). *Paradigma Politik Hukum Pembentukan Undang-Undang Guna Meneguhkan Prinsip Kedaulatan Rakyat dan Indonesia Sebagai Negara Hukum*. Bandung: Alumni
7. L.J. Van Apeldoorn. (2011). *Pengantar Ilmu Hukum*. Jakarta: Pradya Paramita.
8. Muhammad Afet Budi. (2016). *Peranan Notaris Dalam Pendidikan Hukum Bagi Masyarakat*. Jurnal. Universitas Islam al-Azhar Mataram.
9. M. Yahya Harahap. (2009). *Hukum Perseroan Terbatas*. cet.2 Jakarta: Sinar Grafika.
10. Montesquieu. (2007). *The Spirit Of laws: Dasar-Dasar Ilmu Hukum dan Ilmu Politik*. Alih Bahasa M. Khoril Anam. Bandung: Nusamedia.
11. Paulus Efendi Lotulung. (2002). *Perlindungan Hukum Bagi Notaris Selaku Pejabat Umum Dalam Menjalankan Tugasnya*. Notaris Indonesia. Edisi April.
12. Putri A.R. (2011). *Perlindungan Hukum Terhadap Notaris*. cet. 1. Medan: Sofmedia.
13. R.A. Emma Nurita. (2012). *Cyber Notary. Pemahaman Awal dalam Konsep Pemikiran*. Bandung: Refika Aditama.
14. Ronny Hanitijo Soemitro. (1989). *Perpektif Sosial Dalam Pemahaman Masalah-Masalah Hukum*. Semarang: CV. Agung.
15. *SABH-NG Menjawab Tantangan Zaman. Diapresiasi Banyak Negara*. Majalah Renvoi Nomor 7/79. Desember Th 07/2009.
16. Sjaifurrachman. (2011). *Aspek Pertanggungjawaban Notaris dalam Pembuatan Akta*. cet.1.Bandung: Mandar Maju.

17. Suhrawardi K. Lubis. (2006). *Etika Profesi Hukum*. cet. 4. Jakarta: Sinar Grafika.
18. Suvianto Wangdra, Direktur PT. Bank Perkreditan Rakyat Putra Batam, wawancara, Batam, 4 Juli 2021.
19. Tan Thong Kie. (2007). *Studi Notariat dan Serba-serbi Praktek Notaris*. cet. 1. Jakarta:Intermasa.
20. <https://online-journal.unja.ac.id/RR/article/download/9843/5717/24994> (diakses pada tanggal 18 Februari 2021).

