

The Vital Role Of Notaries In Ontology, Epistemology, And Axiology: Architect Of Legal Reality Formation, Guardian Of Information Validity, And Protector Of Moral Justice

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Abstract

This article discusses the vital role of notaries in the context of ontology, epistemology, and axiology as a legal profession that provides authentic document creation services. Notaries are not just deed writers, but architects of the formation of legal reality, maintain the validity of legal information, and follow ethical principles in legal services. By exploring the ontological dimension, notaries are considered as guardians of legal certainty and authentic deed makers who understand the existence and nature of justice. In epistemology, notaries are expected to have in-depth knowledge of legal provisions, ensure the correctness of legal information, and provide a deeper understanding of legal concepts. In axiology, notarial ethics reflect a commitment to avoid conflicts of interest, maintain integrity, and ensure legal services are performed in accordance with moral principles. By engaging these three perspectives, this article illustrates the urgency of notaries in maintaining the sustainability of the legal system and providing fair and balanced legal protection for society.

Keyword: Notaris, Ontologi, Epistemologi, Aksiologi.

INTRODUCTION

In the realm of law, various legal professions have developed, one of which is the notary profession. A profession is always characterized by the provision of services on the basis of payment of wages or honoraria, the use of high technical skills that require certain formal education, and an ideal work basis, supported by the ethical aspirations of society, this profession is referred to as notary. Notary is one of the professions that provide legal services to the public in general, with responsibilities related to the creation of various authentic documents such as letters, deeds, and other documents that record in writing various legal transactions. The role of a notary is very significant in contributing legal certainty and providing legal protection to the public (Supriyanta, 2013).

The role of a notary involves assisting in the creation of authentic documents, a very important responsibility. It is imperative for a notary to have an in-depth understanding of the legal provisions governed by the law. This aims to provide accurate understanding to the general public, especially to those who may lack knowledge or understanding of legal regulations. With proper understanding, it is hoped that the public can avoid actions that go against the law.

Legal certainty, order and protection are important aspects in maintaining the flow of law in people's lives. To achieve this, clear and unequivocal evidence is required. An authentic document created by a notary becomes an instrument that determines the rights and obligations of a person as a legal subject in society. Thus, the role of a notary becomes very strategic in forming a strong legal basis to maintain balance and justice in society.

The position of the notary itself is based on the trust established between the notary and the party using his services. Therefore, a notary is only allowed to give, show, or disclose the contents of documents, copies of documents, document manuscripts, copies of documents, or document excerpts to individuals who have a direct interest or parties mentioned in the document, including heirs. This trust is the main basis for maintaining the integrity of notaries and carrying out their duties with full responsibility (Abdullah & Chalim, 2017).

Notary as a legal profession that has a vital role in organizing legal proof activities through the making of authentic deeds, is an integral part of a country's legal system. The urgency of notaries can not only be understood from its functional dimension as a deed maker, but also needs to be seen from the perspective of ontology, epistemology, and axiology (Triwahyuni, 2020).

In terms of ontology, notaries as individuals and institutions have a fundamental existence in the legal structure of a society. Notary ontology brings an understanding of its existence as a guardian of legal certainty and protection of the rights of legal subjects. The notary becomes a bridge between the reality of law and the nature of justice, outlining the boundaries of rights and obligations objectively.

In the epistemological dimension, the urgency of notaries lies in their role as guardians of legal truth. Notaries as legal experts have in-depth knowledge of legal provisions and procedures related to deed making. This knowledge becomes the basis for creating legal documents that are valid and have high evidentiary power. Thus, the notary is not only a silent witness to the legal process, but also an agent capable of providing a deeper understanding of complex legal concepts.

From an axiological perspective, the urgency of notaries can be understood through the moral and ethical values attached to this profession. Notaries are expected to perform their duties with integrity, honesty, and justice. Notary axiology reflects a commitment to avoid

conflicts of interest and ensure that deeds are made fairly and in accordance with applicable moral principles (Juanda, 2015).

By looking at the urgency of notaries from the perspectives of ontology, epistemology, and axiology, we can understand that the role of notaries is not merely administrative, but also has a profound impact on social structures and justice. The presence of notaries as guardians of legal certainty and authentic deed makers is an important foundation in realizing a quality and trustworthy legal system. Therefore, further exploration of the urgency of notaries from these three perspectives will provide a more comprehensive understanding of their role in upholding justice and legal certainty.

LITERATURE REVIEW

1. Notary

A notary is a legal professional who has a central role in the process of creating legal documents and civil transactions. In the legal systems of various countries, notaries have the main task of preparing, authorizing, and issuing various legal deeds, such as sale and purchase deeds, grant deeds, agreement deeds, and other documents that require legality. The role involves various aspects, both in terms of administration, ethics, and law.

Administratively, notaries act as public officials recognized by the government to carry out certain legal acts. They must meet specific education and training requirements and pass exams set by the legal authorities. These qualifications are necessary so that notaries can carry out their duties with expertise and integrity.

Notaries play a vital role in legalizing legal documents. When someone needs a deed drawn up, a notary acts as an independent and neutral witness, ensuring that the transaction complies with applicable laws and regulations. By providing a notary's signature and seal on the document, they provide the necessary legality so that the document can be recognized in the eyes of the law.

The ethical aspect is also an integral part of the notary profession. They are expected to uphold the values of honesty, integrity and professionalism in their every action. Notaries must ensure that the information contained in legal documents is accurate and legitimate, and maintain the confidentiality of information provided by clients.

It is important to note that a notary is not just benefiting one party in a legal transaction, but is responsible for ensuring fairness and protection of the rights of all parties involved. As such, notaries serve as guardians of justice and truth in the legal system, creating a climate of trust among the public and the parties involved in legal agreements. In addition to their core duties, notaries also play a role in dispute resolution and mediation. Their ability to bridge the differences between the parties involved can minimize the risk of future legal disputes, creating a fair and equitable solution for all parties.

Overall, notaries are a key pillar in maintaining the sustainability of the legal system. By ensuring that legal documents are created and executed correctly, notaries help create a stable, fair and trustworthy legal environment. The notary profession is not just about signing papers, it is about exercising moral and ethical responsibility to provide fair and balanced legal protection for society (Borman, 2019).

2. Ontologi

Ontology is generally considered a part of philosophy, specifically belonging to the realm of metaphysics. Metaphysics, in turn, is recognized as one of the branches of philosophy. The focus of ontology is on the study of entities that are not limited to one particular manifestation, aiming to explore the essential core that encompasses all reality in various forms universally.

After exploring various domains of philosophy, including human, natural world, knowledge, forestry, moral, and social philosophy, an exposition on ontology is made. Therefore, ontology is considered difficult to understand without considering its interrelationships with other components and fields of philosophy. Ontology emerges as the most complicated field in the realm of philosophy.

Metaphysics delves into everything that is thought to exist, questioning the fundamental nature of various entities. This nature is unreachable by the five senses, characterized by being unformed, transcendent, timeless and placeless. By permeating an understanding of this nature, one can gain knowledge and answer fundamental questions about the nature of science itself.

From an ontological point of view, science imposes restrictions on empirical studies. This means that the object of science research covers all aspects of life that can be empirically tested by the five human senses. In simple terms, phenomena that are beyond human reach remain untouched in scientific discourse because they are unable to provide methodological and

empirical evidence. Science has its own distinctive features, which are oriented towards the empirical world.

Regarding the objects examined in scientific knowledge, there are two types: material objects and formal objects. Material objects include the entire domain or substance chosen as the object of investigation in a scientific discipline. The formal object involves determining the perspective on the material object. To explore more about the nature of empirical objects, science makes some assumptions about them. Assumptions that are considered true without a doubt form the basis and starting point for all points of view of research activities. These assumptions are necessary because the statement of assumptions provides direction and basis for research activities.

There are several assumptions about empirical objects made by science, namely: First, it assumes that certain objects have similarities between one another, such as shape, structure, and nature. Second, it assumes that an object does not change within a certain period of time. Third, determinism, which assumes that all phenomena are not coincidental events. The assumptions made by science aim to obtain knowledge that is analytical and able to explain various interrelationships in phenomena observed in human experience.

These assumptions can be developed through analyzing human experience through various disciplines and paying attention to the relevance to the field and research objectives. Assumptions should be operational and form the basis for theoretical research. They should also be inferred from "things as they are," not "how things should be."

The fundamental question that arises in the realm of ontology is what knowledge is used for. That is, why would someone have knowledge if their intelligence is used for purposes that harm others. For example, an economist who brings prosperity to his family but causes suffering to others, or a political scientist who uses cunning strategies in the struggle for power. In this context, it can be understood that understanding ontology is a very important basis for understanding what the moral purpose of using knowledge is and assessing ethical integrity in the development of science (Bahrum, 2013).

3. Epistemologi

There is intense philosophical debate about human knowledge, especially in modern philosophy. Human knowledge serves as the starting point for philosophical progress, with the aim of forming a solid philosophy of the universe and the world. Therefore, the sources of

human thought, its criteria, and values cannot be ignored, so without them, any study becomes impossible in any form.

One of the main debates revolves around the discussion of the sources and origins of knowledge by examining, studying, and trying to uncover the basic principles of the structure of the mind bestowed upon humans. In doing so, it can answer the following questions: How does knowledge arise in man? How is his intellectual life formed, including any early thoughts and concepts that emerge early on? And what is the source that provides humans with this flow of thoughts and knowledge?

Before answering all these questions, it is important to understand that knowledge (perception) can be broadly divided into two categories. First, there is simple conception or knowledge. Second is tashdiq (assent or justification), which involves a judgment. Conception can be illustrated by our understanding of concepts such as heat, light or sound. Tashdiq can be illustrated by the judgment that heat is energy coming from the sun, that the sun is more luminous than the moon, and that atoms can explode. Thus, there is a close relationship between conception and tashdiq, as conception involves capturing an object without judging it, whereas tashdiq involves justifying it.

Knowledge obtained from the ontological aspect is then tested in the epistemological aspect to ensure its truth in scientific activities. According to Ritchie Calder, the scientific process begins when humans observe something. Therefore, human contact with the empirical world encourages him to think about natural realities. Each type of knowledge has distinctive characteristics that are organized in ontology, epistemology, and axiology. Epistemology is always closely related to the ontology and axiology of science. The main challenge in epistemology is how to obtain true knowledge by considering the ontological and axiological aspects of each science.

The study of epistemology discusses the process of obtaining knowledge, the criteria of truth, and the objects that are considered to distinguish and understand something in the context of space and time. This process involves aspects of logic, ethics and aesthetics, and concerns scientific truth, moral goodness and artistic beauty. In the pursuit of reliable knowledge, the scientific method is important. This process involves six steps, starting from realizing the problem, observing, compiling data, formulating hypotheses, deducing from hypotheses, and testing the truth. The scientific method combines rationalism and empiricism as a complementary unit (Bahrum, 2013).

4. Aksiologi

Etymologically, the word "axiology" comes from the Greek language which consists of two words, namely "axios" which means worthy or appropriate, and "logos" which means science or the study of. In addition, the word "value" also comes from the Latin "Valere" which means useful, capable, powerful, applicable, or strong, with the meaning of the quality of something that makes it likeable, desirable, useful, or an object of interest. However, value can also be defined as that which is valued, highly valued, or regarded as good (Zaprul Khan, 2016).

By referring to this definition, the term "axiology" can be interpreted as the study related to the theory of value or the study of everything that can be valuable or provide benefits. Value is considered a phenomenon that is not limited by time and space, and is a logical essence that can be understood through reason.

The term axiology, which comes from the Greek language consisting of two words, namely "axion" which means value and "logos" which means theory, can be defined as the theory of value. The discussion includes three things, namely moral actions that give birth to ethics, expressions of beauty that give birth to aesthetics, and socio-political life that gives birth to socio-political philosophy. Value is considered a trait or quality attached to an object, not the object itself. Thus, axiology can be defined as the science of the nature of value, which is usually seen from a philosophical point of view. Based on the definition of axiology as mentioned above, it can be understood that the axiological aspect in philosophy studies and explains everything related to morals and values (Rosnawati et al., 2021).

METHODS

This article adopts a qualitative approach with a library research method to support the study of the role of notaries in the context of ontology, epistemology, and axiology. This method is designed to review and analyze reading sources that are relevant to the topic of discussion, as well as utilizing document studies of previous research results that have links to the philosophy of science.

Data collection is carried out through a search for reading sources that include books, scientific journals published on the Google Scholar platform, digital libraries, and information sources from libraries. The data collection steps involved searching legal literature, notarial documents, and related research results in order to gain an in-depth understanding of the role of notaries in organizing legal evidence activities.

By relying on the library research method, this study seeks to utilize legal literature and previous research as the basis for formulating an analysis of ontology, epistemology, and axiology in the context of the notary profession. This approach allows the researcher to identify patterns of concepts, norms, and values that underlie the role of notaries in public life. In more detail, this research uses literature review from various sources as a theoretical basis to discuss the role of notary ontology in maintaining legal certainty, notary epistemology in ensuring the truth of legal information, and notary axiology in the practice of legal services by integrating moral and ethical values. Notarial documents, regulations, and other legal literature are the main materials in describing the ontology, epistemology, and axiology dimensions of notaries.

Thus, the library research method provides flexibility for researchers to explore in-depth understanding of the role of notaries from a philosophy of science perspective, utilizing and synthesizing information from various sources to support the arguments and findings in this article.

DISCUSSION

1. Notary Ontology: Enforcing Legal Reality

In the ontological framework, the role of notaries is crucial in upholding legal reality. Notaries are not only limited to writing deeds or recording legal events, but also become living witnesses who form legal entities that underlie legal sustainability and truth. Notaries, as deed-making agents, have a great responsibility to record and document legal events that occur. They do not merely record, but also create legal entities that become concrete evidence of the legal reality. Thus, the documents produced by notaries are not just ordinary records, but are concrete manifestations of the legal truth they represent.

In the deed-making process, the notary is not only a scribe who follows the instructions of the parties involved, but also a legal advisor who provides guidance and ensures that every step taken is in accordance with applicable legal norms. Thus, the role of a notary is not only limited to creating documents, but also guiding the parties involved to maintain legal sustainability and continuity.

The legal entity created by a notary through the creation of a deed becomes the basis for various transactions and legal events involving related parties. The resulting deed is not just a paper that records an agreement, but is a tangible representation of an officially recognized legal reality. Therefore, the notary serves as a bridge that connects legal events with legal sustainability that creates a solid foundation for legal truth (Bagenda, 2022).

Thus, from an ontological perspective, a notary is not just an executor of administrative duties, but rather an architect of the formation of legal realities that create legitimate legal entities and provide sustainability and truth to every legal event he records.

2. Notary Epistemology: Maintaining the Validity of Legal Information

In the epistemological dimension, the role of notaries is not only limited to administrative functions, but includes a great responsibility to ensure the validity and correctness of the legal information recorded in the deed. Notaries are expected to have an in-depth understanding of various aspects of applicable laws and regulations, so that they can provide accurate, complete, and trustworthy information to all parties involved.

Notaries are responsible for ensuring that every deed they create properly reflects the legal events that took place. This involves a deep understanding of the relevant legal provisions, including the formal and substantial requirements that must be met. Notaries must carry out their role meticulously and carefully in order to not only create a legal record, but also ensure that the information contained in the deed is true and in accordance with the actual facts. In addition, notaries also act as legal advisors to the parties involved in a particular legal transaction or event. They must be able to explain the legal consequences of each action recorded in the deed, provide clear advice, and ensure that the parties understand the legal implications of their decisions. This requires a deep understanding of the legal aspects associated with the events being recorded.

In performing their duties, notaries must also keep up to date with the latest laws and regulations. A constantly updated understanding of legal changes ensures that notaries remain relevant and can provide accurate information regarding changes in the applicable legal framework. The continuity of learning and understanding of legal changes is a crucial aspect in maintaining the accuracy and truthfulness of the information recorded in every deed made. Thus, in the epistemological dimension, notaries act as legal knowledge experts who not only record legal events, but also ensure the validity, truthfulness, and clarity of the information provided to the parties involved. Through a deep understanding of the law, notaries contribute significantly to the law enforcement process and maintain the integrity of the legal system as a whole (Monetary & Santoso, 2023).

3. Notary Axiology: Ethics in Legal Services

In the context of axiology, which refers to the study of values and ethics, the role of notaries becomes increasingly important as they are considered to be the guardians of justice and truth in the legal domain. Notaries are expected to prioritize high ethical values in every aspect of the legal services they provide, and this becomes the main foundation in carrying out their profession.

Reliability is one of the main values in notary ethics. Notaries are expected to provide consistent, reliable, and high-quality services. This reliability includes not only technical expertise in creating legal documents, but also interpersonal skills in communicating with the parties involved. Public trust in the notary profession is highly dependent on their ability to provide reliable and quality services.

Integrity is another value that is central to notarial ethics. Notaries are expected to act honestly, fairly, and without prejudice in all their actions. This integrity includes the notary's obligation to stay away from conflicts of interest and avoid actions that may harm the public's trust in the notary profession as a whole. Notaries must remain true to the moral values underlying their profession, even in situations that may be challenging.

Honesty is another important aspect of notarial ethics. Notaries are expected to provide accurate and transparent information to all parties involved in legal transactions. This honesty involves the notary's obligation not to conceal information that may affect the parties' decisions, thus ensuring that the legal truth is clearly revealed in every document created. In addition, notarial ethics also include social and moral responsibilities towards society. Notaries are expected to make a positive contribution in maintaining the integrity of the legal system and the public's trust in the legal process. They have a role as moral guardians in legal transactions, ensuring that every action they take is in line with widely recognized ethical norms (Wibowo et al., 2022).

Thus, in the axiological dimension, notaries play a crucial role as guardians of ethical values in their legal services. Reliability, integrity, and honesty are the main pillars that guide notaries in carrying out their profession, and notary ethics not only cover technical aspects, but also pay attention to the moral and social impact of every action taken.

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