

Authority of Notary To Make A Declaration As A Condition For Anyone To Be An Organ Recipient / Recipient

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ABSTRACT

life of a human being is very valuable, as an effort to save someone from a disease or any cause, the method of organ transplantation is used which is a medical action based on religious, social, cultural values while still referring to the rule of law. The rules regarding organ transplants have been regulated in statutory regulations to ensure legal certainty for the implementation of organ transplants and to avoid things that are against the law. Legislations give authority to notaries in making deed of statements as a prerequisite for registering prospective recipients. There are legal issues that can be drawn from this problem, namely the legal aspects of transplanting human organs and their supervision based on statutory regulations and the authority of a notary in making a statement deed as a prerequisite for someone to become a recipient. This type of research in legal research is normative legal research, which is a process to find legal rules, legal principles, and legal doctrines in order to answer legal issues at hand. The results of the study require a statement deed for prospective recipients, so both recipients and donors are expected not to provide funds and not make other agreements, this is purely a form of help.

Keywords: Declaration Deed, Organ Transplants, Notary

1. INTRODUCTION

Everyone has a desire to always be healthy in order to be able to carry out activities for worship, work, school, and so on as needed. but it is undeniable that a person has certain diseases, both genetically and non-genetically, which result in certain organs unable to function normally. Of course this has a huge psychological and physical impact, through an organ transplant, a person has a higher life expectancy. Organ transplants are carried out in various countries, one of which is Indonesia. the government and legislators make legal regulations with the aim of being a tool to curb human organ transplant activities (Imaniyati & Putra, 2016). Organ transplants should be carried out legally so that the rights and obligations between donors and recipients can be carried out properly. Illegal organ transplants are often carried out and trafficked either directly or through the internet media across countries. This has become an international crime, because of the need for organ donation not only within one country, but between countries. In connection with illegal organ transplants on the pretext of urgent economic needs, there are cases of buying and selling of organ transplants as stated in court decision No. 1015 / Pid.B / PN.JKT.PST / 2016, with the essence of the problem according to witness I in his statement stated that when the witness felt economic difficulties told his friends, his friends were advised to meet Defendant A who told him



that the defendant A has sold one kidney and is now in good health, so the witness feels confident to sell his kidney through Defendant A, Defendant D. Meanwhile, according to witness P's testimony that the witness once asked Defendant DEDI to help the witness sell the kidney because he needed money, which was then the witness had signed a document whose contents were untrue and did not match the witness's actual personal data then witness P underwent an operation in April 2015 and received Rp.90,000,000 and was given to Defendant D in the amount of Rp.1,000,000.

Regarding this action, the public prosecutor charged Primair, namely the defendant violated the provisions of Article 7 paragraph (1) of Law No.21 of 2007 concerning the Eradication of the Crime of Human Trafficking in conjunction with Article 55 paragraph (1) to 1 of the Criminal Code in conjunction with Article 65 paragraph (1) The Criminal Code while the defendant's Subsidair indictment violates the provisions of Article 2 paragraph (2) of Law No.21 of 2007 concerning the Eradication of the Crime of Human Trafficking in conjunction with Article 55 paragraph (1) to 1 of the Criminal Code jo Article 65 paragraph (1) of the Criminal Code and More Subsidair: violates the provisions of article 192 Law Number 36 Year 2009 concerning Health in conjunction with Article 55 paragraph (1) to 1 of the Criminal Code in conjunction with Article 65 paragraph (1) of the Criminal Code, so that the verdicts in this case:

1. State Defendant I. D and Defendant II. A was not legally and convincingly proven guilty of committing a criminal act as in Primair's indictment;
2. To release the Defendants from the Indictment Primair;
3. To declare that Defendants I and II have been legally and convincingly proven guilty of committing a criminal act of "jointly recruiting someone by paying payment for the purpose of exploiting that person";
4. Imposing the defendants to imprisonment for 5 (five) years and 6 (six) months respectively and a fine of Rp.200,000,000; (two hundred million rupiah) provided that if the fine is not paid, it is replaced by imprisonment for 1 (one) month;
5. To determine that the entire period of detention the Defendants had served was deducted from the sentence imposed; etc.

To avoid cases of organ trafficking, it is necessary to monitor and participate in the community to assist government programs in eradicating the criminal act of trafficking in persons. This type of legal research is normative legal research, which is a process of finding legal rules, legal principles, and legal doctrines in order to answer legal issues faced (Marzuki, 2011). Researchers use the normative type of research because this research is to find coherence, namely are there legal rules in accordance with legal norms and are there norms in the form of orders or prohibitions in accordance with legal principles, and whether a person's actions are in accordance with legal norms or legal principles (Kusumo, 2016).

2. RESEARCH METHODS

In this study, researchers used three methods of approaching the problem, namely, the statutory approach, the conceptual approach, and the case approach. The *statute approach* is carried out by examining all laws and regulations relating to the legal issue being handled. A statutory approach is needed to further examine the regulation of organ transplants and the authority of a notary in making a deed of use as a prerequisite for someone to become a recipient. In this research, the laws used are;

1. Law Number 29 of 2004 concerning Medical Practice (State Gazette of the Republic of Indonesia 2004 Number 116, Supplement to the State Gazette of the Republic of Indonesia Number 4431);
2. Law No. 21/2007 concerning the eradication of criminal acts in persons (Statute Book of the Republic of Indonesia No. 58/2007, Supplement to Statute Book of the Republic of Indonesia No. 4720);
3. Law Number 36 Year 2009 concerning Health (State Gazette of the Republic of Indonesia Year 2009 Number 144, Supplement to the State Gazette of the Republic of Indonesia Number 5063);
4. Law Number 44 of 2009 concerning Hospitals (State Gazette of the Republic of Indonesia of 2009 Number 153, Supplement to the State Gazette of the Republic of Indonesia Number 5072);
5. Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (State Gazette of the Republic of Indonesia of 2014 Number 3, Supplement to the State Gazette of the Republic of Indonesia Number 5491)
6. Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as lastly amended by Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia Number Republic of Indonesia Year 2015 Number 298, Supplement to State Gazette of the Republic of Indonesia Number 5679);
7. Regulation of the Minister of Health Number 37 Year 2014 concerning Determination of Death and Utilization of Donor Organs (State Gazette of the Republic of Indonesia Year 2014 Number 1023);
8. Regulation of the minister of health No. 38 of 2016 concerning Organ Transplantation.
9. MUI Fatwa No. 13 of 2019 concerning transplants from living donors.

The conceptual *approach* departs from the views and doctrines developed in the science of law. Studying views and doctrines in legal science, researchers will find ideas that give birth to legal notions, legal concepts, and legal principles that are relevant to the issues at hand. The case approach is carried out by conducting studies of similar cases and relating to the legal issues under study.

In this study, primary legal materials consisting of legislation, official notes or minutes were used in the making of legislation and judges' decisions. Meanwhile, secondary legal materials are in the form of all legal publications that are not official documents. Publications on law include text books, legal dictionaries, legal journals, and commentaries on court decisions. In this research, the secondary legal materials used include: books in the field of law, papers, articles, and theses. The procedure for the collection and processing of legal materials is the first step taken is to collect both primary and secondary legal materials related to the research methods used to answer legal issues. Collecting legal materials by researchers by reading books and legislation that researchers have or by borrowing books from campus and library libraries related to issues to be discussed, as well as conducting interviews with authorized officials. Then the collected legal materials are processed by classifying them based on the legal issues used and then analyzing them.

3. RESULTS AND DISCUSSION

Legal Aspects of Human Organ Transplantation and Supervision

Organ transplantation is one of the methods used in medicine as a means of healing a person. Organ transplants are carried out through a series of tests and a process before the transfer of the organs needed from the donor to the recipient is carried out. As was done by singer Selena Gomez some time ago, she received a kidney donor from her best friend, Francia Raisa, with medical records that Selena Gomez had an immune disease that required a kidney transplant as a method of healing. So that after the kidney transplant, Selena Gomez returned to health. Organ transplants are carried out in various countries and are carried out both legally and illegally. This method of organ transplantation reaps pros and cons, if transplants are studied in the aspect of Islamic religion as in Mui Fatwa Number 13 of 2019 concerning Transplantation of Organs and / or Body Tissues from Living Donors for Others, by remembering the letters in the Al Quran and several hadiths, namely :

Whoever maintains the life of a human being, it is as if he has taken care of the lives of all humans. (Surah al-Maidah: 32)

And help you in (doing) goodness and piety, and don't help in committing sins and transgressions. (Surat al-Mâidah: 2)

And among humans there are people who sacrifice themselves for seeking the pleasure of Allah; and Allah is Most Merciful to His servants. Surah Al-Baqarah. (Surah Al-Baqarah: 207) Get treatment, because Allah does not create disease unless it also decreases the cure, apart from one disease, namely death. " (Narrated by Abu Dawud)

Therefore, according to several letters, fatwas, the view of the ulama was stipulated by a fatwa that Transplantation is a series of medical actions to remove organs and / or tissues of the human body which is Fatwa concerning Transplantation of Organs and / or Body Tissues from Living Donors to Others in the context of treatment to replace organs and / or tissue that are not functioning properly The second provision in the fatwa is related to the legal provisions which explain that:

1. A person may not give or sell his organs and / or tissue to other people because the body organs are not property rights (haqul milki). For this reason, organ harvesting and transplanting without any justified reason is haram.
2. Transplantation of organs and / or body tissues of living donors to other people is permitted provided that there is an urgent need that is justified in syar'i (Dharurah Syariah), there is no dharar for donors due to the harvesting of organs and / or body tissues, either partially or completely, The type of body organ that is transferred to another person is not a vital organ that affects life or survival, No other medical efforts are obtained to cure it, except by transplantation, It is for help (tabarru '), not for commercial purposes, There is approval from the candidate donors, There are recommendations from health professionals or parties who have expertise to guarantee safety and health in the transplant process, There is an opinion from experts about the strong suspicion (ghalabatil zhonn) that the success of the organ transplant to another person, Transplantation of organs and / or body tissue is carried out by competent and creative expert dibel, The transplant process is organized by the state.
3. The permissibility for transplanting organs and / or body tissues as referred to in number 2 (two) does not include reproductive organs, genital organs and brain.

The vulnerability of illegal transplants of human organs, so legal protection is needed for donors and recipients as well as other related parties. According to Fitzgerald, as quoted by Satjipto Raharjo, this theory of legal protection originates from the theory of natural law or the flow of natural law. This flow was pioneered by Plato, Aristotle (Plato's student), and Zeno (founder of the Stoic school). According to the flow of natural law, it states that the law comes from God who is universal and eternal, and between law and morals cannot be separated. Adherents of this school view that law and morals are internal and external reflections and rules of human life which are manifested through law and morals (Rahardjo, 2000). So that views that come from religious values, human values become a source of inspiration for legislators to regulate organ transplants.

The health law in Article 64 states that disease healing and health recovery can be carried out through transplanting organs and / or body tissues. So that the practice of organ / tissue transplantation has been recognized by the state and can be carried out in accordance with the laws or regulations under it. Transplants can be carried out by living donors or using organs of a person who has been declared brain stem dead by the head of the hospital. Regarding the party who carries out the organ transplantation, it is a health worker who has the expertise and authority to do it and is carried out in a certain health service facility. To avoid misuse of organs, donors are required to carry out several tests to determine the health of the donor and it is no less important to get approval from the donor's family or their heirs.

The Health Law is followed up by PERMENKES 38 of 2016 concerning Organ Transplantation. The purpose of the promulgation of this Permenkes is to ensure safe, quality, accessible, fair, effective, efficient and in accordance with religious, cultural, moral and ethical norms for organ transplants. The Minister of Health establishes a National Transplant Committee under Article 5 of the Permenkes which has the authority to supervise hospitals organizing organ transplants, assess and recommend the establishment of an organ transplant hospital, assess priorities and make a waiting list sequence for recipients, issue donor candidate cards, and determine partner eligibility. Recipients and Donors based on the results of examinations by the hospital organizing the Organ Transplantation and the results of background tracing of the Donors, provided that the donation of organs is carried out on a voluntary basis and there is no indication of buying and selling and / or commercial use.

Reiterated in the 13 Permenkes the goal of organ transplantation for humanitarian purposes. types of donors consist of living donors and brain stem dead donors with blood or no blood relations with the recipient. The body organs that can be given to recipients by living donors based on Article 14 of the Permenkes are only one kidney from both kidneys and / or only part of the liver, pancreas, or lungs. Talking about donors who come from patients with brain stem dead conditions, their organs are removed when the person has been declared brain stem dead (MBO) in the hospital in accordance with the provisions of laws and regulations. Provisions regarding the determination of a brain stem dead person are regulated in PERMENKES No. 37/2014 concerning Determination of Death and utilization of donor organs. Patients with brain stem death with conditions as stated in Article 10 of the Permenkes are coma *unresponsive/* GCS 3 or *Four Score* 0, absence of abnormal posture (such as decortication, or deserebration), absence of uncoordinated movements or epileptic jerks. Furthermore, in paragraph 2, it is stated that the conditions that must be carried out to carry out a brain stem death examination include: there are preconditions in the form of coma and apnea caused by irreversible structural brain damage due to disorders that have the potential to cause brain stem death, and no reversible causes of coma and respiratory arrest

include drugs, intoxication, metabolic disorders and hypothermia. Adapun determination of a person's brain stem death can only be done by a team of doctors consisting of three (3) persons competent physician with a mandatory requirement involve a specialist anesthesiologist and specialist nerve to record a team of doctors that perform inspections of independent and diagnosis conducted in ICU room. Article 12 of the Minister of Health, stipulating the time of death of a patient is when the brain stem is declared dead, not when the ventilator is removed from the corpse or the heart stops beating.

The law regulates the rights and obligations that must be carried out in order to create order in society. Regarding transplanting human organs, there are rights and obligations regarding donors and recipients. The definition in the Health Ministerial Decree, a donor is a person who donates his or her organs to a recipient for the purpose of healing the disease and restoring the recipient's health. To become a donor as stated in Permenkes 38 of 2016 are:

- a. 18 years old proven by KTP, KK, birth certificate
- b. Health certificate from a doctor who has SIP
- c. make a written statement regarding the Donors willingness to donate their organs voluntarily without asking for compensation
- d. have reasons to voluntarily donate their organs to recipients
- e. obtain approval from husband / wife, adult children, biological parents, or biological siblings of the Donor
- f. make a statement understanding indications, contra indications, risks, Organ Transplant procedures, post-organ transplant life guidelines, as well as a statement of consent;
- g. make a statement not to carry out the sale of organs or other special agreements with the recipient.

The donor has several rights such as knowing their identity, refusing to donate their organs to certain recipients, obtaining health insurance and death insurance, being exempt from all health care costs during Organ Transplant treatment, obtaining death insurance and rewards for loss of income from work / livelihoods during the post-transplant health care and recovery. determined by the Minister. To ensure the health condition of the donor, the donor is obliged to maintain the confidentiality of the recipient, does not enter into a special agreement with the recipient regarding Organ Transplantation, maintains his health according to the doctor's instructions, conducts medical examinations at least once a year, maintains contact with the National Transplant Committee or Committee representatives. National Transplant in the Province.

A recipient is a person who receives a donor's organ for the purpose of healing disease and restoring health. To become an organ donor recipient, Article 24 of the Minister of Health No. 38 of 2016 provides requirements that must be met by prospective recipients to the National

Transplant Committee by attaching a written statement and approval from the hospital transplant team, having written approval of willingness to pay the cost of an organ transplant or provide a letter. Organ Transplant cost guarantee, for a prospective recipient who is guaranteed by insurance, submits a written statement that has understood the indications, contra-indications, risks and procedures for Organ Transplantation, as well as a statement of approval; and submit a written statement not to buy body organs from prospective donors or enter into a special agreement with prospective donors, which is stated in the form of a notary deed or a written statement legalized by a notary public. To support government programs in terms of transplanting human organs / certain body tissues, the public can participate in supporting these activities through promotion and socialization that voluntarily donating organs is a religious charity and please help, conduct IEC regarding Organ Transplantation, prevent buying and selling.

Human organs the law assigns tasks to the Minister, Governors and Regents / Mayors to provide guidance and supervision to the implementation of the human organ transplant program. With regard to the Law on Trafficking in Persons, Article 58 states that Article 58 the Government forms a task force consisting of representatives from the government, law enforcement, community organizations, non-governmental organizations, professional organizations, and researchers / academics who are tasked with coordinating efforts. prevention and handling of the crime of trafficking in persons, monitoring the progress of the implementation of victim protection including rehabilitation, repatriation and social reintegration, monitoring the progress of law enforcement;

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An agency / official cannot be released from the authority that is owned by it. The definition or concept of Authority in Law No. 30 of 2014 concerning Government Administration is a right that is owned by Agencies and / or Government Officials or other state administrators to make decisions and / or actions in government administration. Authority can come from attribution, delegation, mandate. There are two types of officials, namely general officials and public officials. One of the public officials is a notary, based on the Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (hereinafter referred to as the Law on Notary Position and its Amendments). Article 1 number 1 Law on the Position of Notary Public and its Amendments, Notary is a public official who is authorized to make authentic deeds and has other powers as referred to in this Law or based on other laws. Notaries function to guarantee the authority of their writings (deeds). Notary is appointed by the highest state management and to him is given trust and recognition in providing services for the benefit of the community (Indriani, n.d.).

In connection with the authority In Article 15 paragraph 1 it is stated that the Notary is authorized to make authentic Deeds regarding all actions, agreements, and stipulations. who are required by statutory regulations and / or those interested in being stated in the authentic Deed, guarantee the certainty of the making date of the Deed, keep the Deed, provide the grosse, copy and excerpt the Deed, all of which as long as the Deed is made, it is not also assigned or excluded to other officials or other people determined by law. One of the duties of a notary is to make authentic deeds, according to Prof. Subekti, deeds can also be called writing. A deed is a piece of writing that is deliberately made to be used as evidence about an incident and signed (Raden Subekti, 1987). Definition of authentic deed in Article 1868 BW An authentic deed is a deed which is made in a form determined by law by or before a public official who is competent for it at the place where the deed is made (Retno Subekti, 2009).

Based on the form the deed is divided into authentic deeds and underhand deeds as in Article 1867 BW is proof by writing done in authentic writings as well as under hand writing. The Notary Deed as an authentic deed has perfect and strong evidentiary power so that if there is a defect in the making of the authentic deed, the parties are obliged to prove it before a judge. The form of deed made by a Notary in the practice of a Notary is called the Relaas Deed which contains a description of the Notary which is seen and witnessed by the Notary himself at the request of the parties, the second type is the deed of the parties which contains descriptions or statements, statements of the parties given or submitted before the parties. Notary which is then recorded and set forth in an authentic deed.

In connection with the topic of organ / tissue transplantation in Article 24 Permenkes No. 38 of 2016 provides requirements that must be fulfilled by prospective recipients to the National Transplant Committee by attaching a written statement not to purchase organs from prospective donors or making special agreements with prospective donors, as outlined in the form of notary certificate or a written statement legalized by a notary public. The legislative ratio for the establishment of the Minister of Health requires that the deed of statement is attached, with the aim of the recipient to really carry out the rules in terms of organ donation activities, namely not to provide compensation in the future or to make other special agreements. This provides legal certainty for the rights and obligations of both donors and recipients. It is feared that after a recipient receives a donor, the donor will ask for a certain amount of funds and be burdensome for the recipient. In addition, by making a statement deed before a notary, the notary will guarantee the statement of the prospective recipient's statement as the strongest and most complete evidence.

It may be possible that without the knowledge of the national transplant committee, donors and recipients enter into specific written or unwritten agreements. The main source of agreement law refers to Book III BW which regulates engagement, abiding and agreements (Rahardjo, 2000),



the concept of agreement in Article 1313 BW, namely an agreement is an act whereby one person, or more binds himself to one or more people. . According to Prof. Subekti, an agreement is an event where a person promises to another person or where the two people promise each other to carry out something. To fulfill the actions of the parties it can be categorized as an agreement, then it is obligatory to fulfill the validity conditions of the agreement stated in Article 1320 BW, namely:

1. Agree;
2. The ability to make an agreement;
3. A certain thing;
4. A cause that is not prohibited.

There are two types of requirements in Article 1320 BW, namely the objective requirements contained in paragraphs three and four and subjective requirements in the first and second paragraphs, if the parties cannot fulfill these requirements there will be legal consequences. The first condition is obliged by the parties to agree first, with the existence of an agreement, the parties mutually agree on things to be agreed upon, there is no coercion, error and fraud. The second element is that the parties are obliged to be competent (*bekwaam*). The meaning of a person with legal competence is the condition of a person who is mature, healthy in mind and not bankrupt / authorized to carry out his legal actions. A person who is not legally competent is categorized as only being under custody who is deemed unable to carry out legal actions legally, people who have little or no sense of mind, the objective requirements in the third paragraph are that the agreement must have the object being agreed upon / a certain thing. Based on Article 1333 BW the goods which become the object of this agreement must be certain, at least the type must be determined, while the amount does not need to be determined, as long as it can be determined or calculated later (Putra, 2020).

Furthermore, Article 1334 BW allows goods that will only exist at a later date as well as being the object of an agreement. According to Wirdjono Prodjodikoro's view, items that do not yet exist can be the object of the agreement in a relative sense (relative). There is no absolute meaning, for example, a rice sale and purchase agreement where the plant is just flowering, while there is no relative meaning such as a sale and purchase agreement that is traded in the form of rice, at the time the agreement is held it still belongs to the seller (Prodjodikoro, 1981). Not all goods can be traded, Article 1332 BW states that goods that can be used as the object of the agreement are only goods that can be traded. A cause that is allowed is an objective condition in an agreement. Referring to 1335 BW states that an agreement without cause, or that has been made for a forbidden cause, has no power (Syamsuddin et al., 2021).

Book III BW adopts an open system that gives the parties the freedom to enter into the desired agreement that is not against the law, public order and morals (NIM, n.d.). to the parties bound by the clause in the agreement in accordance with Article 1338 BW formulates that all agreements made legally apply as law for those who make them. So that there is no other reason for the parties not to carry out their rights and obligations in the agreed agreement. To avoid imbalance between the parties, the clauses made in the agreement must reflect the value of justice and be in accordance with the proportions of each party. In connection with the possibility of donors and recipients making compensation agreements for organ donors given to recipients, this cannot be justified because it does not fulfill the third requirement in Article 1320, namely the promised object is not to be traded in accordance with the mandate of the Health Law that organs are not for sale. traded solely as a voluntary act without demanding compensation. With the description above, the author can recommend the notary to make a deed with the title deed of a statement with the following format

StatementNo:

On this day, Monday, the first day of the Apil month of the Year Two Thousand Twenty, 09.00 WIB (nine o'clock West Indonesian Time) .-----

Facing me, ----- -, **Bachelor of Law, Master of Notary**. Notary is domiciled in the City of Surabaya, East Java Province, attended by witnesses whom I, Notary, know, and will be mentioned at the end of this deed: -----

- XXXXXXXXXXXXX, born in Surabaya, on 15 (fifteen) April 1997 (one thousand nine hundred ninety seven), Indonesian citizen, private, residing in the city of Surabaya, Jalan Bunga No. 01, neighborhood unit 08, neighborhood unit 08, sub-district Bubutan, Bubutan sub-district, holder of an identity card with a resident identification number 357493483480099 is valid for life
- that this deed is made as the basis for completing the requirements to register as a recipient of donors or recipients at the National Transplantation Committee based on REGULATION OF THE MINISTER OF HEALTH OF THE REPUBLIC OF INDONESIA NUMBER 38 OF 2016 CONCERNING ORGAN TRANSPLANTATION ORGANIZATION
- Whereas the parties state that they are willing not to buy body organs from prospective donors and / or u make a special agreement with the prospective donor regarding the provision of organs -----
- then the tappers (the tappers) also state that: -----



guarantee the truth and are fully responsible for fill in all identities / letters / documents and information submitted to me, the Notary, and the contents included / mentioned in this deed .----- -

have understood and understand the contents of this deed, and accept all legal consequences that arise, either now or in the future .-----

----- THESE DECLARES ----- were

drawn up and completed in Surabaya, on days and dates such as mentioned at the beginning of this deed, attended by: -----

1. Mr. **xxxxxxxxxxxxxx**, **Bachelor of Law, Master of Notary**, born in Balikpapan, on 30-06-1983 (thirty June one thousand nine hundred eighty three), Indonesian citizen, Notary employee, residing at Jl Ketabang 88, Surabaya City, Genteng District, Ketabang Village, -RT.001 - RW.001, Identity Card Holder Population Number: 3578073006830002; -----
2. Miss **yyyyyyyyyyyyyyyyyy**, **Bachelor of Law, Master of Notary**, born in Malang, on 02-05-1987 (two May one thousand-nine hundred eighty seven), Indonesian citizen , Notary Staff, residing in Surabaya City, Tenggilis Mejoyo District, Kendangsari Village, RT.003 - RW.001, Jalan Kendangsari 4/5, Identity Card Holder with Identity Number: 3578244205870002; - as witnesses. - After this deed by me, the Notary reads it to the parties and witnesses, then this deed will be signed by the parties, the witnesses, and I, the Notary. ----- -

Delivered without adding, deleting, or replacing

4. CONCLUSION

From the above discussion conclusions can be drawn, namely, organ donation is not needed by potential donor recipients with certain medical reasons, but it must be emphasized that the organ donation process is not the object of a trade agreement and is only for humanitarian purposes. compensation from recipients to donors cannot be justified because it violates Article 1320 BW and the agreement is null and void and the notary is authorized to make a statement deed as a prerequisite for recipient / donor recipients in the registration process at the National Transplantation Committee, as for the contents of the clause in the deed regarding the commitment of the recipient or donor recipient not to give compensation and not to make special agreements in the future.

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