



Regional Notary Supervisory Council in Handling Violations of the Notary Code of Ethics Related to Non-Compliance with the Reading of Deeds Before the Presentative and Witnesses

Diana Putri Sofia^{1*}, Dita Perwitasari²

¹²Faculty of Law, Universitas Negeri Surabaya, Surabaya, Indonesia

* diana.19103@mhs.unesa.ac.id

Article	Abstract
Keywords: Notary Code of Ethics; MPD; Guidance & Oversight	<i>This research examines the function of the Regional Supervisory Council (MPD) according to the Law on the Position of Notaries (UUJN) in dealing with violations of electronic codes, especially violations of the obligation to read deeds in the presence of an audience and at least two witnesses. Using a juridical-normative approach, the study deepens the UUJN text, electronic code, and derivative regulations. MPD acts as a recipient of initial complaints from the public, carrying out initial examinations objectively and transparently. Even though it does not impose direct sanctions, the MPD produces recommendations to the Regional Supervisory Council (MPW) and the Center so that sanctions can be implemented according to determines. UUJN requires the notary to read the deed in the presence of at least two witnesses unless the person has read it himself and stated it officially. This violation causes the deed to lose its authentic status and is only valuable as a private deed. The MPW can give verbal or written warnings, while the Central Supervisory Council (MPP) or the Ministry of Law and Human Rights has the authority to impose sanctions of temporary suspension or civil service, depending on the seriousness of the violation. The results of the research show that this multi-level supervision system creates effectiveness and danger in maintaining the professional integrity of notaries. However, its effectiveness is still limited by low public awareness of notary procedures and lack of participation in the complaints process. Therefore, recommendations are directed at: (1) strengthening MPD institutional capacity; (2) increasing socialization of UUJN and electronic codes to the community; and (3) increasing the capabilities of MPD members in supervision and development. This step is expected to increase notaries' compliance with their deed reading obligations and strengthen public trust in the notarial profession.</i>

INTRODUCTION

In the 11th and 12th centuries, the need for written evidence in legal transactions increased in Northern Italy, especially in trading cities such as Greece and Milan. This encourages the development of notarial institutions as official institutions recognized by the state to prepare and ratify legal documents. This notarial concept then spread to France in the 13th century and was adopted by other European countries, including Netherlands. (Sahip, I. (n.d.))

During the colonial period, the position of notary was regulated by the *Notariswet* (Notary Law) which was in force in the Netherlands and adopted in the Netherlands East Indies. Then, on July 1 1860, the Notary Position Regulations (PJN) were published, which consisted of 66 articles and became the legal basis for the notary profession in Indonesia. After Indonesia gained independence, there were vacancies in notary positions because many Dutch notaries returned to their countries of origin. To overcome this, the Indonesian government organizes notary courses for Indonesian citizens who have experience in the legal field. In 1954, the University of Indonesia began to organize a notary study program, which later developed into a notary specialist program in 1970. The professional organization of notaries in Indonesia, the Indonesian Notary Association (INI), was founded on July 1, 1908 in Batavia. INI was recognized as a legal entity based on Government Decree No. 9 dated September 5, 1908 and became the only unifying body for notaries in Indonesia. (Khairani, R. 2022.)

A notary is a public official who has the authority to make authentic deeds and carry out other legal functions in accordance with Law Number 2 of 2014 concerning the Office of Notaries (UUJN). As a profession that plays an important role in the legal system, notaries are required to carry out their duties with high integrity, uphold professional ethics, and comply with applicable laws and regulations.

Notary services in the era of globalization are currently in the process of increasing development. This is because the Notary is a public official who is authorized to make authentic deeds and has other powers needed in everyday life that are related to the law. As a public official, a notary has an important position and role in realizing a dignified and sovereign life of the nation that is based on legal certainty. As life becomes more modern, characterized by increasing contractual relations between fellow citizens or social institutions and government institutions, the importance of notary services will become increasingly important. Especially in the case of notarial deeds which are able to provide legal certainty for the parties involved in the contract. In other words, as a law (*rechtstaat*), Indonesia places great importance on the existence of notaries who carry out their profession in providing legal services to the public who need protection and guarantees to achieve legal certainty. (Sri, 2015, p. 89)

Every time he carries out his official duties in making a deed, a Notary is responsible for the deed he makes as a realization of the wishes of the parties in the

form of an authentic deed. A Notary's responsibilities are closely related to his duties and authority as well as morality both as an individual and as a public official. Notaries are closely related to duties and powers as well as morality both as individuals and as public officials. The notary may make mistakes or mistakes in making the deed. If this is proven, the deed loses its authenticity and is void by law or can be cancelled. Notaries are prone to legal entanglements, not only because of internal factors that originate from within themselves, for example carelessness, not complying with procedures, not carrying out professional ethics and so on. Apart from that, internal factors such as social morals mean that notaries are faced with fake documents even though these documents contain legal consequences for their owners. (PP INI, 2008, p. 226)

The function of a Notary inside and outside the making of authentic deeds is regulated for the first time in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary in a comprehensive manner. Likewise, the provisions regarding the supervision of Notaries carried out by the Notary Supervision Council are carried out by involving academic experts, in addition to the department whose duties and responsibilities are in the field of notarial affairs as well as the Notary Organization, the formation of a Notary Supervision Council in each city or Regency is intended to improve service and protection.

law for the public who use Notary services.

The role of the Notary Supervision Council is to carry out supervision over Notaries, so that in carrying out the duties of their office they do not deviate from their authority and do not violate applicable laws and regulations, the function of the Notary Supervision Council is to ensure that all rights and authorities and obligations are given to Notaries in carrying out their duties as provided by the applicable laws and regulations, always carry out their duties according to predetermined channels, not only legal channels, but also on moral and ethical grounds in order to guarantee legal protection and legal certainty for parties who need it. It is no less important for the public to monitor and always report the actions of Notaries who in carrying out their official duties are not in accordance with the legal regulations that apply to the local supervisory council by eliminating Notary actions that are not in accordance with the legal regulations for carrying out the duties of a Notary.

In fact, there are many irregularities committed by Notaries in carrying out their powers and positions. Starting from irregularities that are administrative in nature as well as irregularities that result in material losses to the public who use Notary services. There are even cases in the Tangerang area where in fact there have been many irregularities committed by Notaries in carrying out their powers and positions. Starting from irregularities of an administrative nature as well as irregularities that result in material losses to the public who use Notary services. A notary as a public official has an absolute obligation to read the deed in front of an audience and two witnesses, in accordance with the provisions of Article 16 paragraph (1) letter m of the Law on

the Office of Notaries (UUJN). This obligation becomes especially critical when one of the parties is illiterate, because not reading the deed itself can result in misunderstanding of the contents of the deed. Bangli State Court Decision Number 31/PDT.G/2021/PN BLI clearly states that failure to read a deed against an illiterate person is a form of unlawful act (PMH), which fulfills all the elements according to Article 1365 of the Civil Code: the existence of wrongdoing, loss, and cause-and-effect relationships.

Furthermore, the panel of judges requires the notary to be responsible for civil compensation for damages, and leaves room for administrative responsibility. In accordance with Article 16 paragraph (11) of the UUJN, notaries can be subject to administrative sanctions in the form of written warnings, temporary suspension, or even disrespectful or disrespectful suspension. This case is of first importance because it proves that notary procedural negligence is not only a technical problem, but can also trigger serious legal consequences.

This context is relevant for research that examines the effectiveness of supervision and enforcement of sanctions by the Notary Supervision Council (MPD, MPW, MPP). There is a need to examine whether the multiple mechanisms in the UUJN are effective in preventing violations of the ethical code by notaries. For this reason, this research will explore to what extent the implementation of administrative sanctions is carried out, how academic and government agencies understand the preventive and reactive functions, and whether the public and victims are adequately protected.

This situation raises questions regarding the extent to which the MPD is able to carry out its role optimally in dealing with violations of the notary's ethical code, especially in relation to not reading the deed in front of the audience and witnesses. This research aims to analyze the role of the MPD in this context, identify the obstacles faced, and provide recommendations to improve the effectiveness of supervision and code enforcement by the MPD.

This research aims to analyze the supervisory role of the Regional Supervisory Council (MPD) based on UUJN towards notaries who violate the ethical code, especially in relation to not reading deeds in front of audiences and witnesses, as regulated in statutory regulations. that applies and evaluates the implementation of sanctions by the Regional Supervisory Council (MPD) against notaries who violate the obligation to read deeds in front of audiences and witnesses, as well as assessing the effectiveness of implementing these enforcement mechanisms in maintaining integrity notary profession in Indonesia

METHOD

The approach that will be used in this research uses the normative juridical research method, in this way the approach that will be used uses the approach to

legislation and the concept of approach, legislation (Statute Approach) and conceptual approach (Conceptual Approach)” (Marzuki 2021).

Approaching legislation through the process of understanding and analyzing criminal law references, namely the Criminal Code and Criminal Procedure Code, while the conceptual approach is taking a conceptual approach. Study cases with research that starts from "doctrines and views that have developed in legal science" (Marzuki 2021). Case approach methods are also used in this research method, because researchers will use cases in court that will be used for research. In this way, the research method used is to approach legal regulations, concepts and cases (Masnun, Muh. Ali, Prasetio, Dicky Eko, 2025). Sources of Legal Materials There are 2 types and types of legal materials that research uses, namely, primary legal materials and secondary legal materials.

1. Primer Legal Materials

- (1) Perrmenkumham Number. 15 of 2020 concerning Procedures for Inspection of the Supervisory Board of Notaries
- (2) Law Number 30 of 2004 concerning Notary Positions (UUJN)
- (3) Law Number 2 of 2014 amends the law concerning the position of Notary

2. Sekunder Legal Materials

Legal materials that can be used as an additional basis for explaining primary materials, secondary legal materials may consist of legal journals, legal books, opinions of scholars and also laws that are related and help the topic of legal discussion. The secondary materials used in this research are books, journals and websites related to the topic.

Literature study of legal materials will use how to use the Criminal Code, Criminal Code, legal studies, doctrines and norms that apply in society to be used to analyze cases. Identify this case by using primary and secondary legal materials that have been collected by researchers and in accordance with the discussion.

RESULTS AND DISCUSSION

1. Supervision role by the Regional Supervisory Council (MPD) based on the UUJN towards Notaries who commit Violations of the Profession Etic Code related to the Reading of Deeds

The Notary Code is a moral rule determined by the Association of Indonesian Notaries Association which hereinafter will be called the "Association" based on the decision of the Extraordinary Congress of the Indonesian Notary Association in Bante, which must be adhered to by each member of the Association.

The etick code is very closely related to the good performance of official duties, because with the existence of the etick code the rsedetermines all the behavior that must be possessed by a notary. Each professional group has norms that guide the

behavior of its members in carrying out their positions. These norms are formulated in written form called professional codes. (Handayaani, et al., 2018)

A notary as a public official requires supervision over the non-coding and typing of a Notary as the main duties of a Notary are directly related to the interests of the public. Apart from that, the position of Notary also constitutes a direct mandate from the government which gives the trust to carry out a part of his/her authority in making authentic deeds. Therefore, it is very important to ensure that the Notary in carrying out his/her duties and position is not like a nangwenang and complies with the applicable regulations.

Violations of the electronic code committed by Notaries can generally be grouped into 2 (two), namely (Syarif, 2011):

- 1) The element of intentional
The notary said rse but already knew that what he was doing was violating the e tick code but it was still done.
- 2) The element of ignorance
Violations in this group are usually committed by new Notaries who do not yet know and understand the Notary profession's typing code regulations.

Violation of etic code can be defined as an effort to take action against violations of etic code in order to achieve parity. Forms of action against violators of the electronic code can be in various forms (Abdulkadir, 2006):

- a. Reprimand, appeal to stop the violation, and not to commit the violation again;
- b. Exclude the offender from his/her professional group as a disliked person until he realizes the wrongdoing of his actions;
- c. Carry out legal action with harsh sanctions.

Negotiating a notary's e-ticking code is an effort to carry out the notary's e-ticking code properly, monitoring its implementation so that violations do not occur, and if a violation occurs, restoring the violated e-ticking code so that it is re-enforced.

The Honorary Board of Notaries is a complete organ of the association which consists of several members selected from ordinary members and the Notary's team, who have high dedication and loyalty towards the association, are good personalities, wise and wise, so that the Honorary Board can be a role model for members and is appointed by the Congress. s for the term of office and the term of office of management.

The Honorary Council is the government that conducts inspections for violations of the Etic Code and imposes sanctions on violations according to its authority and is responsible for (Anonymous, 2006):

- a. Carry out coaching, guidance, supervision, development of members in upholding the Etic Code;

- b. To examine and make decisions on alleged violations of the provisions of the Etic Code which are internal or which the public does not have direct responsibility for;
- c. Providing suggestions and opinions to the supervisory board regarding alleged violations of the Etic Code and Notary Position.

With the enactment of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notaries (UUJN), significant changes have occurred in the system of development and supervision of notaries in Indonesia. Previously, supervision over notaries was carried out by the National Court of Justice located in the notary's work area. However, with the new UUJN, the power of such management is transferred to the Indonesian Ministry of Law and Human Rights through the establishment of the Notary Supervisory Board (MPN). (Marbun, et al., 2024)

The coaching function is aimed at ensuring that the supervisee, namely the Notary, is always reminded to always understand and therefore comply with the rules set out in the Notary's E Code and in the provisions of applicable legislation. The supervisory function of the Notary is aimed at ensuring that in carrying out his/her position the Notary complies with the provisions of the applicable legislation, and the Code of Etick Notary if a notary is proven to have committed a violation of the ethical code, he will be subject to sanctions. The purpose and objective of providing supervision over Notaries in carrying out their office is to provide direction and guidance for Notaries in carrying out their profession as public officials in order to improve professionalism and quality of work so that they can provide guarantees of certainty and legal protection for the public who use Notary services.

The Honorary Council in supervising the implementation of Notary Etic Code enforcement which will be carried out consists of the Regional Honorary Council for the first level, the Regional Honorary Council for the appeal level, and the Central Honorary Council for the final level. According to Sugiyanto, supervision of the Notary's Etic code by the Honorary Committee is carried out in a way that is carried out by the Regional Honorary Council, the Regional Honorary Council, the Central Honorary Council. The authority of the Honorary Board actually checks alleged violations of the Etic Code which are internal in the sense that they are not related to the Notary's deeds and have nothing to do with the public/clients. However, the Notary's Honorary Council can provide suggestions and opinions to the Notary Supervisory Board regarding allegations of violations of the Notary Code in carrying out their office.

Supervision and coaching efforts in the implementation of eticking code violations carried out by the Notary's Honorary Board include several of the tasks, one of which is conducting guidance, detaining members, examining and making decisions

on alleged violations of the etic code. This can be linked to the theory of authority because, based on this principle, it is implied that the government's authority stems from its statutory regulations. Similarly, the Notary Honorary Council already has regulations in place to carry out its duties.

The Notary Honorary Council consists of three levels: the Central Supervisory Council (MPP), the Regional Supervisory Council (MPW), and the Regional Supervisory Council (MPD). The MPD acts as the spearhead in implementing direct supervision of notaries at the city or district level. The MPD has the authority to hold hearings to examine allegations of violations of the ethical code or violations of the performance of a notary's office, carry out checks on notary protocols periodically, grant permission for leave of up to six months, appoint a substitute notary, determine the place of storage of notarial protocols that are 25 years old or more, appoint a notary as the temporary custodian of notarial protocols appointed as a state official, accept reports from the public regarding alleged violations, and make and submit reports to Regional Supervisory Majelis.

Apart from the MPN, there is also the Regional Honorary Council (DKD) which is part of the professional organization of the Indonesian Notary Association (INI). DKD is responsible for providing coaching, guidance, supervision and support for members in upholding the notary's ethical code. DKD also has the authority to investigate and make decisions on alleged violations of electronic code provisions that are internal or that do not have a direct connection with the interests of the community. In carrying out its duties, DKD can provide advice and opinions to MPD regarding alleged violations of the ethical code and the position of notary. (Handayani, et al., 2018)

Permenkumham No.15/2020 provides a strong foundation for professional and accountable notarial supervision. With more stringent inspection procedures, legal assistance rights, and increased transparency and accountability, this regulation increases public protection and the integrity of the notary profession. However, the success of implementation still depends on the organizational capabilities of the MPD, vertical coordination between levels of supervision, and the readiness of resources. Further consolidation in socialization, training, and evaluation of MPD performance is very necessary so that the objectives of supervision can be achieved optimally.

2. The enforcement mechanisms implemented by the MPD regarding violations of the professional code of ethics involve the reading of the deed

The mechanisms for supervising the enforcement of the notary code of ethics are regulated by legislation and the Code of Ethics of the Indonesian Notary Association (INI) and form an inseparable part of the social reality of the legal community directly related to this profession. Supervision conducted by the Regional Honorary Council is one aspect of the enforcement of the code of ethics that must always be observed and

implemented within the notarial community. Enforcement of the code of ethics always involves people, and thus will also involve human behavior. Enforcement can only be effectively implemented if accompanied by strong oversight or control mechanisms from the Notary Honorary Council. Thus, the practice of the notary profession remains within ethical boundaries and in accordance with the performance of their duties.

If a notary, in the performance of their duties and office, commits a violation of the provisions of the code of ethics, they shall be subject to sanctions in the form of administrative sanctions, namely reprimands, warnings, temporary suspension, expulsion from membership, and dishonorable dismissal. The sanctions imposed on a Notary who violates the code of ethics do not involve dismissal from the office of Notary but rather expulsion from membership in the Indonesian Notaries Association (INI).

The relationship between the theory of legal certainty and the theory of law enforcement with the issue raised by the author here is that notaries, in performing their duties and holding their office, are governed by the Notary Office Act and the Code of Ethics. In the theory of legal certainty, regulations are normative in nature, meaning they are created and enacted with certainty because they provide clear and logical guidance (Dicky Eko Prasetyo, Muh Ali Masnun, 2024). Similarly, the Code of Ethics for Notaries of the Indonesian Notary Association (INI) clearly stipulates that its regulations must be adhered to in order to uphold the dignity and prestige of the profession. Regarding the theory of law enforcement, it constitutes a series of processes for translating legal ideas and ideals—which embody moral values such as justice and fairness—into concrete forms to realize the organization of the Indonesian Notaries Association (INI).

For the purpose of such supervision, the Minister appoints a Supervisory Board. The Supervisory Council is authorized to provide guidance and supervision to notaries, as well as to conduct investigations into alleged violations of professional conduct and the performance of notarial duties. There are two key terms within the Supervisory Board's authority: 'supervision' and 'oversight.' (Marbun et al., 2024)

The Regional Supervisory Council (MPD) is established and located in a regency or city (Article 69(1) of the Notary Office Act). The provisions of Article 4 paragraph (1) stipulate the nomination of members of the Regional Supervisory Council (MPW); the Central Supervisory Council (MPP) is established and headquartered in the national capital (Article 76(1) of the Notary Public Act). The role and functions of the Regional Supervisory Council regarding the performance of notarial duties, because in addition to the Central Supervisory Council, Regional Supervisory Councils also have the authority to conduct and/or carry out inspections of notaries who commit violations, whether in the form of notarial codes of ethics or provisions in applicable laws and regulations, thereby allowing sanctions to be imposed. (Putri, 2022)

The procedures for inspections by the Notary Supervisory Board (MPN) of Notaries suspected of violating the Notary Office Act (UUJN) in Indonesia involves several important stages to ensure a fair process in accordance with legal provisions. This process begins with a complaint from the aggrieved party, which must be submitted in writing and accompanied by supporting evidence, in accordance with Article 67 of the UUJN. Once the complaint is received, the Regional Supervisory Board (MPD) will review and assess it to determine whether the complaint warrants further action. If deemed eligible, the MPD will notify the reported Notary regarding the details of the complaint and the schedule for the preliminary examination, so that the Notary can prepare a defense. Subsequently, the MPD conducts a preliminary investigation to gather further information, during which the reported notary and relevant parties are summoned to provide statements. After that, the MPD will gather evidence and testimony from various parties to support the investigation. The results of this evidence-gathering process will be evaluated at a plenary meeting, where the MPD will determine whether there is sufficient evidence to proceed with the investigation. If there are indications of a violation, the case will be referred to the Regional Supervisory Council (MPW) for further investigation.

Following a further investigation by the MPW, they will issue a recommendation regarding the sanctions to be imposed if the notary is found to have violated the UUJN. If there is dissatisfaction with the MPW's decision, the case may be referred to the Central Supervisory Board (MPP) for review. The final decision regarding sanctions is issued by the MPP and is final and binding. Once the decision is issued, the Supervisory Council ensures that the sanctions are enforced in accordance with applicable regulations. In addition to imposing sanctions, the Supervisory Board is also responsible for providing guidance and training to notaries to prevent future violations and enhance their professionalism. All stages of the investigation and decision-making process must be properly documented as official records for future audits and evaluations, reflecting a commitment to transparency and accountability in the supervision of the notary profession.

The imposition of sanctions by the Supervisory Board for violations of the Notary Public Act (UUJN) is a crucial step in maintaining the integrity of the notary profession. As public officials, notaries bear a significant responsibility to perform their duties in accordance with the provisions set forth in the UUJN. One of the key obligations stipulated in Article 16(1)(m) of the UUJN is the notary's obligation to read the deed aloud in the presence of the parties and witnesses, unless the parties request that the deed not be read because they have already read it themselves, understand, and approve the contents of said deed. However, violations of this provision frequently occur, which not only harm the parties involved but also tarnish the reputation of the notary profession. Therefore, strict oversight and the enforcement

of sanctions are crucial to ensuring that notaries perform their duties with integrity and professionalism. (Government Regulation, 2014)

This process involves objective and transparent investigations to ensure fairness for all parties involved. When imposing sanctions, the Supervisory Board must adhere to the principle of proportionality, whereby sanctions must be commensurate with the violations committed. This is important to prevent injustice in the imposition of sanctions. Additionally, the Supervisory Board must also consider ethical aspects when exercising its authority, so that it is not abused for personal or specific group interests. Transparency in this process will enhance public trust in the notary oversight system.

The Supervisory Board does not only function when there are reports of violations, but also conducts ongoing supervision of notarial practices. In this way, they can ensure that notaries always comply with the rules and perform their duties professionally. Challenges such as pressure from certain parties or the complexity of cases must be addressed wisely to ensure that the authority remains relevant and effective in enforcing the Notary Law. Periodic evaluations of the Supervisory Board's authority are crucial to ensure they can adapt to evolving times and new challenges. The imposition of sanctions for violations of the UUJN is an integral part of efforts to maintain the integrity and professionalism of the notary profession.

Challenges such as pressure from certain parties or the complexity of cases must be addressed wisely so that the authority remains relevant and effective in enforcing the UUJN. Periodic evaluations of the Supervisory Council's authority are crucial to ensure that it can adapt to evolving times and new challenges. The imposition of sanctions for violations of the UUJN is an integral part of efforts to maintain the integrity and professionalism of the notary profession. If found to have committed a violation, a notary may be subject to administrative sanctions up to dishonorable dismissal in accordance with applicable legal provisions, thereby emphasizing the importance of discipline in performing notarial duties. (Hartoyo, 2012)

According to Hardjon, Article 63 of the Notary Law provides for the following sanctions: a notary who violates the provisions may be subject to the following sanctions (Hadjon, P. M., 1987):

a. Verbal Warning

“According to the Notary Public Act, a Verbal Warning is the lightest sanction and is the first step in the imposition of sanctions; it serves as a warning to the notary from the Supervisory Board” (Adjie\$, 2008)

b. Written Warning

If the Notary fails to heed the verbal warning, the Supervisory Board may issue a written warning. Verbal and written warnings are the initial steps before imposing administrative sanctions. Administrative sanctions may take the form of internal and external sanctions to determine whether there is an accumulation of sanctions against the Notary. Before imposing sanctions, the

process must begin with verbal and written warnings as part of the due process. The purpose of these warnings is to ensure consistency between the violations committed and the applicable legal rules, as well as to provide the Notary with an opportunity to defend themselves through administrative processes such as appeals or objections. Therefore, verbal and written reprimands should not be considered formal sanctions.

c. Temporary Suspension

Sanctions against a Notary in the form of temporary suspension from office constitute the next stage following the imposition of verbal and written reprimands. The status of the sanction in the form of temporary suspension from the office of Notary or suspension constitutes a waiting period for the enforcement of the government's coercive sanction. The notary may not perform their official duties while awaiting the results of the Council's investigation

d. Honorable Dismissal

At the stage of Honorable Dismissal, it constitutes the culmination of the temporary suspension process, which is included in the sanction of temporary revocation; this is part of the sanction of revocation that is favorable—see Article 8(1) of the Notary Law regarding Honorable dismissal is classified as an administrative sanction.

e. Dismissal Without Honor

This dismissal may occur for a Notary due to being sentenced to a prison term of 5 years, as provided for in Articles 12 and 13 of the Notary Public Act. Dismissal without honor is categorized as an administrative sanction (Kantor, 2014).

In principle, not all Regional Supervisory Boards have the authority to impose sanctions. The Regional Supervisory Council (MPD) has the authority to receive reports from the public or other notaries and to hold hearings to investigate alleged violations in the performance of notarial duties. However, the MPD does not have the authority to impose sanctions. The MPD's duties are limited to reporting the results of its investigations to the Regional Supervisory Board (MPW), with copies to the complainant, the notary in question, the Central Supervisory Board (MPP), and the notary association.

The MPW has the authority to impose sanctions in the form of verbal or written warnings, which are final. In addition, the MPW may propose to the MPP to impose sanctions in the form of a three-month suspension or dishonorable dismissal from the office of notary. Verbal and written reprimands from the MPW serve as an initial step before more severe sanctions, such as temporary suspension, are imposed. (Novitasari et al., 2022)

Article 77(c) of the Notary Public Act (UUJN) grants the MPP the authority to impose sanctions in the form of temporary suspension. This sanction serves as a waiting period prior to a further decision, such as dismissal with or without honor, which can only be carried out by the Minister upon the recommendation of the MPP. The appointment and dismissal of notaries by the same authority—namely the Minister—demonstrates that notaries are not above the law and may be subject to ethical sanctions by the Notary Honorary Council if they violate the code of ethics. The highest sanction for a notary is dismissal with or without honor from membership in the notary professional organization.

A notary may also face criminal sanctions if involved in the preparation of a deed related to a criminal offense. Criminal sanctions for notaries are subject to the provisions of the Criminal Code (KUHP), while the Notary Law (UUJN) only regulates civil and administrative sanctions. If proven to have committed a violation, a notary may be suspended temporarily or dismissed without honor in accordance with the applicable provisions. Article 13 of the UUJN states that a notary sentenced to a criminal penalty of more than five years shall be dismissed without honor upon the MPP's recommendation to the Minister. The MPP may receive reports from the public or recommendations from notary organizations regarding the grounds for such dismissal. Additionally, the MPP is responsible for appointing another notary as a replacement to manage the notary's office of the dismissed notary. The three-year suspension period for notaries who have brought the office into disrepute underscores the importance of integrity in performing duties. This aims to raise awareness among those who violate the rules, particularly regarding the legal relationship between the notary and the client.

Thus, such legal relationships must be based on a clear contract or agreement between both parties. These provisions collectively affirm that notaries bear significant responsibility and must comply with applicable laws and ethical codes. Violations of these rules may result in serious sanctions, both administrative and criminal, making the preservation of the notary profession's integrity critically important.

When linked to Paul Bohannon's Theory of Legal Sanctions, law functions as a set of rules that enables legal institutions to intervene in a matter to maintain the social system, so that society can live in peace and order. Bohannon emphasizes the importance of the effectiveness of the law, which is greatly influenced by factors such as the law itself, supporting resources or facilities, society, and legal culture. The Supervisory Board, as the law enforcement body within the notarial sphere, must possess a deep understanding of the Notary Law (UUJN) and the ethical principles of the notarial profession. Without this understanding, law enforcement will not be effective. Furthermore, supporting infrastructure or facilities also play a crucial role in law enforcement.

The Regional Supervisory Board (MPD) does not have the authority to investigate criminal elements or assess whether a notary participated in or aided a criminal act. The MPD's primary focus is to evaluate the deeds prepared by notaries, not any potential related criminal acts. In carrying out its duties, the MPD is obligated to examine the probative value of notarial deeds based on Article 138 of the HIR, which covers the physical, formal, and substantive aspects of such deeds. (Arkiang, 2010)

A notarial deed is considered a perfect instrument of evidence and must be accepted as is by all parties, including judges, prosecutors, and police, without interpretation or the addition of other evidence. If such a deed is not considered valid, then the notary's function as a public official in creating authentic deeds becomes meaningless. For that reason, it is important for notaries to respect each other's work and not to disparage deeds drawn up by their colleagues.

The MPD must ensure that every inspection is conducted objectively and transparently, in accordance with applicable legal procedures, to uphold justice and safeguard the integrity of the notarial profession. This reflects the MPD's crucial role in maintaining the quality and credibility of deeds produced by notaries.

In exercising its authority, the Supervisory Council must enforce the law not only based on the text of the Notary Public Act (UUJN), but also based on the spirit and purpose of the law itself. The Supervisory Board's law enforcement process must reflect the principles of procedural justice, wherein the notary under investigation is granted the right to defend themselves and all evidence is considered fairly. The supervisory authority exercised by the Supervisory Board must also take into account the proportionality between the sanctions and the violations committed. Thus, the Supervisory Board must continuously update its knowledge and adapt its approach to current conditions.

Since the establishment of the Notary institution in Indonesia, supervision of Notaries has always been carried out by judicial and government institutions, with the aim of ensuring that Notaries, when performing their official duties, meet all requirements related to the execution of their duties, for the sake of safeguarding the public interest, since notaries are appointed by the government, not for the notary's own benefit but for the benefit of the public they serve (Tobing, 1983).

Thus, there are 3 (three) duties performed by the Supervisory Board, namely: 1) Preventive Supervision, which is a form of social control carried out to prevent or reduce the likelihood of undesirable events occurring in the future, 2) Curative Supervision: Curative measures are actions taken after the occurrence of social misconduct, 3) Guidance: The Notary Supervisory Board's role in providing guidance is carried out both preventively and curatively toward notaries in the performance of their profession as public officials, so that notaries must continuously enhance their professionalism and the quality of their work, as this provides legal certainty and protection for the general public as recipients of notarial services. (Soesanto, 1982)

Supervision of notaries is carried out in a hierarchical manner by the Notary Supervisory Board, starting from the regional level up to the central level. Pursuant to Article 67 of the Notary Law, supervision is carried out by the Minister of Law and Human Rights, who establishes the Supervisory Council to perform such duties. The Supervisory Council has the authority to provide guidance and supervision to notaries, as well as to conduct investigations into alleged violations of professional conduct and the performance of notarial duties.

The Supervisory Board plays a crucial role in overseeing and inspecting documents held by notaries, including protocol books and deeds, to ensure compliance with applicable regulations. Pursuant to Article 67(4) of the Notary Law, the Council is authorized to conduct these inspections. If a violation is found, the Supervisory Board may impose sanctions ranging from a reprimand to the revocation of the practice license, in accordance with the provisions of Article 68 of the UUJN. In addition to imposing sanctions, the Supervisory Board is also authorized to provide recommendations for improvement to the relevant agencies to enhance the supervision and disciplinary systems within the notary profession, as stipulated in Article 69 of the Notary Law. They are also tasked with providing guidance and outreach regarding the code of ethics and professional standards to notaries, including organizing training and seminars to enhance notaries' knowledge and skills in accordance with Article 70 of the Notary Law.

The Supervisory Board collaborates with various agencies and professional organizations, such as the Indonesian Notaries Association (INI), to create synergy in the supervision and development of the profession. They also have the authority to issue technical implementation regulations as guidelines for notaries in performing their daily duties, in accordance with Article 73 of the Notary Law. The supervision conducted is both preventive and repressive, with a focus on preventing violations through education and transparency in the supervision process. In the event of dispute resolution involving a notary, the Supervisory Board acts as a mediator to achieve a fair resolution and uphold the integrity of the profession. If there are indications of a criminal violation, they may report it to law enforcement authorities in accordance with Article 77 of the Notary Law. This provision indicates that the Supervisory Board serves not only as a supervisory body but also as a facilitator in ensuring legal compliance.

Finally, the Supervisory Board conducts periodic evaluations of notaries' performance to assess their compliance with professional standards. If deficiencies are found, they may issue recommendations for improvement with a specific deadline so that notaries have the opportunity to improve their performance before more severe sanctions are imposed, in accordance with Article 79 of the Notary Law. This reflects the Supervisory Board's commitment to maintaining the quality and integrity of the notary profession.

CONCLUSION

The Code of Ethics for Notaries, adopted at the Extraordinary Congress of the Indonesian Notaries Association in Banten (May 29–30, 2015), serves as the moral and professional foundation that all notaries are required to adhere to. These guidelines establish standards of conduct in the preparation of authentic deeds and prevent the abuse of authority, and are overseen by the Honorary Council from the regional to the central level in imposing sanctions such as reprimands, temporary suspension, expulsion, or recommendations for legal action.

Following the amendment of Law No. 2 of 2014, oversight is not only conducted internally by the notary organization but also by the Notary Supervisory Council (MPD-MPW-MPP) established by the Minister of Law and Human Rights. This institution employs a comprehensive, tiered system of supervision and guidance encompassing routine inspections, handling of public complaints, as well as ethical enforcement through objective and transparent mechanisms to maintain professional integrity, legal certainty, and public trust.

Overall, this regulation reflects a structured effort to discipline notarial practices and strengthen the profession's role as a guardian of the validity of public documents, while ensuring that the public receives ethical and trustworthy legal services.

RECOMMENDATIONS

a. For Notaries

Notaries must take a proactive stance in applying the Code of Ethics as a moral and professional guide. Maintaining integrity, transparency, and accountability is not merely about standardizing practices, but also about protecting the public. It is recommended that notaries actively participate in training and outreach programs organized by the MPD or relevant institutions to stay updated on the latest regulations and best practices, thereby minimizing the potential for violations and maintaining public trust.

b. For (MPD)

The MPD needs to strengthen its effectiveness through the development of detailed internal regulations, particularly regarding complaint handling procedures, sanctions, and collaboration with the Ethics Council. Enhancing members' capacity through training in law, ethics, and digital skills is essential to support modern oversight. Additionally, expanding preventive activities such as outreach, routine inspections, and streamlining processes through a digital reporting system will make oversight more responsive, transparent, and timely.

c. For the Public

Users of notary services must enhance their legal awareness, particularly regarding their rights, such as the obligation to have the full deed read aloud in the presence of the parties and witnesses. They are also encouraged to report suspected violations promptly and in accordance with procedures, including evidence and a clear chronology, so that complaints can be effectively addressed. In addition, the public should actively participate in legal education, such as attending outreach events, seminars, or training sessions organized by the MPD or other institutions, so that they can become effective oversight partners.

REFERENCES

- Adjie, H. (2008). Hukum Notaris Indonesia: Tafsir Tematik Terhadap Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris. Refika Aditama.
- Arkiang, T. Y. S. (n.d.). Kedudukan Akta Notaris Sebagai Alat Bukti Dalam Proses Pemeriksaan Perkara Pidana. Scribd. Diakses dari <https://id.scribd.com/document/512651962/295241492>.
- Dicky Eko Prasetyo, Muh Ali Masnun, B. W. (2024). Legal Uncertainty of Golf Game as Sports and Entertainment Branch in Local Tax Imposition. *Wawasan Yuridika*, 4(1), 76–93. <https://doi.org/https://doi.org/10.25072/jwy.v8i1.4369>.
- Hadjon, P. M. (1987). Perlindungan Hukum Bagi Rakyat Indonesia. Bina Ilmu.
- Handayani, T. U., Suryaningtyas, A., & Mashdurohatun, A. (2018). Urgensi Dewan Kehormatan Notaris Dalam Penegakan Kode Etik Notaris Di Kabupaten Pati. *Jurnal Akta*, 5(1), 51–64.
- Hartoyo. (2012). Analisis Terhadap Pelaksanaan Tugas Dan Jabatan Notaris Di Luar Tempat Kedudukan [Tesis, Fakultas Hukum Universitas Gadjah Mada].
- Ikatan Notaris Indonesia. (2005). Kode Etik Ikatan Notaris Indonesia. Ditetapkan Di Bandung Pada Tanggal 28 Januari 2005.
- Indonesia. Kementerian Hukum Dan Hak Asasi Manusia. (2020, 27 Mei). Peraturan Menteri Hukum Dan Hak Asasi Manusia Republik Indonesia Nomor 15 Tahun 2020 Tentang Tata Cara Pemeriksaan Majelis Pengawas Terhadap Notaris. Diundangkan 2 Juni 2020. <https://peraturan.bpk.go.id/Home/Details/174092/permenkumham-no-15-tahun-2020>.
- Kanter, E. Y. (2014). Etika Profesi Hukum: Sebuah Pendekatan Religius. Stora Grafika.
- Khairani, R. (n.d.). Sejarah Notaris Di Indonesia [Presentasi]. Scribd. Diakses Pada 12 Mei 2025, Dari <https://www.scribd.com/presentation/562069346/Sejarah-Notaris-Di-Indonesia>
- Kode Etik Ikatan Notaris Indonesia. (2005). Ditetapkan Di Bandung Pada Tanggal 28 Januari 2005. https://ini.id/uploads/images/image_750x_5bd7a3bde957f.pdf.
- Lumban Tobing, G. H. S. (1983). Peraturan Jabatan Notaris (Cet. 3). Erlangga.
- Marbun, M., Franciska, W., & Ridwan, R. (2024). Kewenangan Dan Sanksi Majelis Pengawas Terhadap Pelanggaran Jabatan Notaris. *Themis: Jurnal Ilmu Hukum*, 2(1), 31–39.
- Masnun, Muh. Ali, Prasetyo, Dicky Eko, M. (2025). Reconstruction of the Normative

- Legal Research Paradigm in Responding to Global Challenges: An Epistemological Analysis. *Novum: Jurnal Hukum*, 12(3), 372–384. <https://doi.org/https://doi.org/10.2674/novum.v12i03.74364>.
- Novitasari, R., Yetniwati, & Suryahartati, D. (2022). Pengaturan Penjatuhan Sanksi Terhadap Pelanggaran Berat Yang Dilakukan Oleh Notaris Dalam Perspektif Peraturan Perundang-Undangan. *Wajah Hukum*, 6(2), 211–222.
- Pemerintah Republik Indonesia. (2014). Undang-Undang Nomor 2 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris. Lembaran Negara Republik Indonesia Tahun 2014 Nomor 3. Diakses Dari <https://jdih-old.kemenkeu.go.id/fulltext/2014/2tahun2014uu.htm>.
- Permata Putri, B. (2022). Implementasi Tanggung Jawab Hukum Atas Perbuatan Malpraktik Yang Dilakukan Oleh Notaris Pengganti [Skripsi, Universitas Negeri Surabaya]. *Novum: Jurnal Hukum*, 7(2).
- Sahip, I. (n.d.). Sejarah Perkembangan Notaris. Scribd. Diakses Pada 12 Mei 2025, Dari <https://www.scribd.com/document/562147323/Sejarah-Perkembangan-Notaris>.
- Soesanto, R. (1982). Tugas, Kewajiban, Dan Hak-Hak Notaris, Wakil Notaris. Pradnya Paramita.
- Syarifa. (2011). Peran Organisasi Profesi Notaris Dalam Menjaga Kode Etik Notaris.