

The Legal Responsibilities of A Notary as A General Official for Authentic Deeds related to the Criminal Action of Forgery

Heriyanti¹⁾, Emir Syarif Fatahillah Pakpahan²⁾ & Togap Jeriko Tumanggor³⁾

¹⁾ Lecturer of Notary Program (Mkn), Universitas Prima Indonesia, Medan, E-mail: heriyanti@iunprimdn.ac.id

²⁾ Lecturer Faculty of Law, Universitas Prima Indonesia, Medan, E-mail: emirpakpahan@unprimdn.ac.id

³⁾ Student of Notary Program (Mkn), Universitas Prima Indonesia, Medan, E-mail: togapjeriko@iunprimdn.ac.id

Abstract. *The Notary's Code of Ethics is a guideline for the attitude and behavior of a notary. It is necessary to maintain the quality of legal services to the public. In carrying out his duty, aside from referring to the Law of Notary, a Notary must also obey and act in accordance with the moral principles of notary practice in Indonesia. The supervision of notaries by the Notary Supervisory Board is to ensure that notaries always act in accordance with the legal principles that underlie their authority and can avoid abuse of the authority or trust given. This empirical research aims to determine the number of public complaints received by the Regional Notary Supervisory Council in Medan regarding alleged violations of the ethics code committed by Notaries, the effectiveness of supervision implementation and prevention of violations of the Notary ethics code by the Notary Supervisory Council during the last 4 (four) years of from 2018 to 2021. The research results of this study show that in 2018 there were 8 (eight) complaints, in 2019 there were 12 (twelve) complaints, in 2020 there were 24 (twenty four), and in 2021 there were 10 (ten). Notary Supervision by the Notary Supervisory Council is based on Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notary, Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.02.PR.08.10 of 2004, Ministerial Decree Law and Human Rights of the Republic of Indonesia Number M.39-PW.07.10. 2004 and the role of the Regional Supervisory Board includes preventive purposes, namely reflecting on the position of the Notary Ethics Code in order to provide material related to the implementation of the position of Notary, participating in seminars, and checking Notary protocols.*

Keywords: *Code; Council; Supervision; Violation.*

1. INTRODUCTION

The Republic of Indonesia as a country of law based on Pancasila and the 1945 Constitution of the Republic of Indonesia guarantees legal certainty, order, and protection for every citizen. To guarantee legal certainty, order, and protection,

authentic written evidence is needed regarding acts, agreements, determinations, and legal events made before or by authorized officials.¹ To obtain legal certainty, justice and benefits effectively, of course, adequate law enforcement organs are needed. In the field of civil law, one of the most decisive evidence in obtaining legal certainty is primarily written evidence. In Indonesia, which adheres to a civil law system, Notaries follow a civil law system that takes its main authority from written laws or regulations. So in carrying out their duties, in addition to referring to the Notary Law, Notaries are also subject to other sources of law, such as legal principles, including the principle of morality, the principle of etiquette, and the principle of custom, articles of association where the rules have been mutually agreed upon, attached and binding on all Notaries, so that Notaries behave well, respect fellow notaries, obey the law, always maintain the dignity, integrity of notaries, and the organization, so that the wheels of the organization become orderly, orderly and fair, service to the community, members, increases and can be accounted for its leadership to the community, nation, state must also obey and behave in accordance with moral rules for notarial practices in Indonesia, along with the notary code of ethics. The notary code of ethics contains good and bad things and sanctions that can be imposed if someone commits a violation.²

Enforcement of the code of ethics is an effort to implement the code of ethics properly, supervise its implementation so that violations do not occur, and if violations occur, restore the violated code of ethics so that it is re-enforced. Since the code of ethics is part of positive law, the norms of law enforcement also apply to the enforcement of the code of ethics.³ The notary code of ethics is based on the fact that a notary as a professional is a person who has expertise and knowledge in the field of notary, so that he is able to meet the needs of the community who require services in the field of notary. Personally, the notary is responsible for the quality of the services he provides. According to Ismail Saleh, notaries need to pay attention to what is called professional behavior that has elements of having solid moral integrity, being honest with clients and themselves, being aware of the limits of their authority, and not solely based on money.⁴ As time goes by, notaries have an important role ranging from corporate law, real estate, succession, to providing legal advice to the community.⁵ Given the importance of the notary profession, it is necessary to supervise the occurrence of deviations in carrying out their position that are not in accordance with the legal corridor and the code of ethics of their profession as well as abuse of authority or trust

¹ Liliانا Tedjosaputro dalam Laurensius Arliman, 2015, "Sumbangsih Werda Notaris dalam Organisasi Ikatan Notaris Indonesia", *Jurnal Yuridika, Fakultas Hukum Universitas Airlangga, Vol 30 No. 3, p. 458*

² Ikhsan Lubis, et.al., 2023, "Cyber Notary as a Mean of Indonesian Economic Law Development", *Sriwijaya Law Review, Vol.7 No.1, p.63*

³ Dany Rimawan dan Faisal Santiago, 2022, "Juridicial Analysis of Law of Notary Position and The Notary Code of Conduct Related to Agreements Cooperation Between Banks and Notaries", *ICLSSEE, Semarang, <http://dx.doi.org/10.4108/eai.16-4-2022.2320031>*, hal 3.

⁴ Hafidz Anugerah Dewandaru, et.al., 2022, "Bonding Deed of Sale and Buying an Important Deed Developed by a Notary", *International Journal of Business, Economics and Law, Vol.28 No.1, hal 26*

⁵ Sjaifurrachman, 2017, *Aspek Pertanggungjawaban Notaris Dalam Pembuatan Akta*, Mandar Maju, Bandung, hal 230

given to notaries.⁶

Supervision is regulated in the provisions of Article 1 number 8 of the Decree of the Minister of Justice and Human Rights Number M-01.H.T.03.01 of 2003 concerning Notary that supervision is an administrative activity that is preventive and repressive by the minister which aims to ensure that notaries carry out their duties in accordance with laws and regulations. If a notary does not act in accordance with the code of ethics and is proven to have violated the regulations in the Notary Law and the code of ethics, the Notary concerned will be given administrative, civil, or criminal sanctions according to the type of violation that has been committed. Therefore, Notaries are required to take an oath of office first so that they are bound by obligations and are legally responsible for the material truth of the deeds made.⁷ This study aims to determine the data on public complaint reports received by the Medan City Regional Supervisory Council regarding alleged violations of the code of ethics by Notaries from 2018 to 2021, analyze the effectiveness of the implementation of supervision by the Medan City Regional Supervisory Council on the behavior of Notaries according to the Notary Code of Ethics, and analyze the role of the Regional Supervisory Council in preventing violations of the Notary Code of Ethics in Medan City.

2. RESEARCH METHODS

The research method is a way to conduct an investigation using certain methods that have been determined to obtain scientific answers. In this, the type of research conducted is empirical legal research. The data collection method used is the Library Research Method, namely research using book and internet literature. Field research method with the research location at the Office of the Ministry of Law and Human Rights in Medan. The study uses primary and secondary data sources.⁸ Primary data sources are data obtained directly from the source, while secondary data are data obtained from existing sources. Primary data is obtained from respondent interviews. Secondary data is obtained through primary legal materials, namely the Notary Law No. 2 of 2014, Permenkumham Number M.02.PR.08.10 of 2004, Permenkumham Number 15 of 2020, Decree of the Minister of Law and Human Rights Number M.39-PW.07.10. 2004 and Decree of the Minister of Law and Human Rights Number M-01.H.T.03.01 of 2003 concerning Notaries, and secondary legal materials in the form of publications of textbooks, journals and legal papers as well as expert opinions.

3. RESULTS AND DISCUSSION

3.1. Notary as a Public Official

The position of Notary is a position of trust, therefore a Notary must have good behavior guaranteed by law and the Notary organization. Notaries are constructed as public officials, meaning that notaries carry out work or duties to serve the interests of the community as a whole. The authority of a notary is the power given to a notary to

⁶ Sutrisno dan Wiwin Yulianingsih, 2016, *Etika Profesi Hukum*, Penerbit ANDI, Yogyakarta, p. 114.

⁷ Carlos Pizarro Wilson, 2011, "La Responsabilidad Civil de Los Notarios en Chile", *Revista de Derecho Universidad Catolica del Norte*, Vol.18 No.2, p. 138

⁸ Mohammad Nazir, 198 *Metode Penelitian*, Ghalia, Jakarta, p. 63.

make authentic deeds and other powers.⁹ Notaries not only carry out the obligations stated in special laws, such as Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notaries, but they are also obliged to carry out the obligations stated in the code of ethics. The Notary Code of Ethics aims for a profession to be carried out professionally with motivation and orientation towards intellectual skills and to argue rationally and critically and uphold moral values in carrying out the duties and obligations inherent in the Notary profession.¹⁰ Thus, the Notary Code of Ethics regulates the matters that must be obeyed by a Notary in carrying out his position and also outside his position. In this case, based on moral considerations that are aligned with the prevailing social, polite and religious values, one must also be honest, not only to the second or third party, but also to oneself, and must not be driven solely by monetary considerations, in the sense that one must be social and not discriminatory by differentiating between those who are capable and those who are not, and must uphold professional ethics in carrying out good professional duties, because the code of professional ethics determines all behaviors that a Notary must have.¹¹

The professional ability of notaries is also related to the issue of the quality of notary legal services to the public. The more the professional ability of notaries in carrying out their duties as public officials who have the function of regulating legal relations between parties in writing and authentically, the better the quality of legal services that will be received by the public.¹² A person's professional ability that refers to expertise is supported by mastery of knowledge, experience and high skills. Article 16 paragraph 1 point (a) states that Notaries are required to be honest, detailed, impartial, and independent in carrying out their duties, to protect the legal interests of all parties.¹³ So, there are two sides to carrying out the Notary profession. First, notaries must be passive in formulating what is desired by the parties to the agreement into a deed; second, notaries must be educative and active in guaranteeing legal protection for each party interested in the deed.¹⁴

However, in practice there are notaries who violate the code of ethics. Violations of the code of ethics committed by Notaries can generally be grouped into 2 (two), namely:

a. Element of intent, the Notary already knows that what he did is a violation of the code of ethics but still does it

⁹ Heriyanti dan Fatimah Handayani Siregar, 2021, "Notary Legal Responsibilities in Applying the Prudential Principle of Recognizing the Benefits of Corporations", *International Journal of Business, Economics and Law*, Vol.24 No.6, hal 200

¹⁰ Abdul Rohim, 2018 "Peran Majelis Pengawas Daerah terhadap Tanggung Jawab Notaris Atas Akta yang Tidak Dibacakan", *Jurnal Hukum dan Kenotariatan*, Vol 2 No 1, p. 70

¹¹ Henry Donald Lbn Toruan, 2020, "Legalitas Keberadaan Majelis Pengawas Notaris dan Majelis Kehormatan Notaris", *Jurnal Penelitian Hukum De Jure*, Volume 20, hal 439

¹² Nedy Kuntjoro, 2016, "Efektivitas Pengawasan Majelis Pengawas Daerah Kota Yogyakarta terhadap Perilaku Notaris di Kota Yogyakarta menurut Kode Etik Notaris", *Lex Renaissance*, Vol 1 No 2, p. 205

¹³ H. Salim HS., 2022, *Pengantar Kode Etik Notaris*, Reka Cipta, Bandung, p. 4

¹⁴ M. Jamil, 2018, "Sanksi Pelanggaran Kode Etik Notaris oleh Majelis Pengawas Notaris", *Supremasi Hukum* Vol 7 No. 2, p. 5

b. Element of ignorance, Violations in this group are usually committed by new Notaries who do not know and understand the regulations of the Notary profession's code of ethics.

The public who feel disadvantaged can send a written complaint report in the form of a letter to the Regional Supervisory Council regarding the Notary concerned, where the report will be examined first before accepted. The results of research into the number of public complaints regarding alleged violations of the notary code of ethics in the last 4 (four) years can be seen in the following table:¹⁵

Table 1. Number of Complaints Received by the Medan City Regional Supervisory Board in 2018-2021

Year	Number of Complaints
2018	8
2019	12
2020	24
2021	10

Source: Interview with Mrs. Nuri Ardayanti, S.H., M.H., Secretary of the Medan City Notary Regional Supervisory Board on Wednesday, November 16, 2022.

Based on an interview with Mrs. Nuri, the types of problems that are usually reported are violations of the notary code of ethics, such as errors in making deeds, or other violations that are not in accordance with the Notary Law.

3.2. Notary Relations with Applicants in Making Authentic Deeds

Basically, the one who has the authority to carry out guidance, supervision and examination of Notaries is the Minister of Law and Human Rights, in the implementation of which the Minister forms the Notary Supervisory Board. The Minister as the head of the Ministry of Law and Human Rights has the task of assisting the President in carrying out part of the government's affairs in the field of law and human rights. All forms of supervision and supervisory institutions for Notaries arise because of the need to enforce professional ethics themselves, where the professional ethics contain good and bad values, what may and may not be done, and regarding propriety related to the implementation of the Notary profession.¹⁶ The implementation of the Notary profession is seen as an attitude of life, which is a willingness to provide professional services in the legal field to the community with full involvement and expertise in order to carry out tasks in the form of obligations to the community who need legal services accompanied by careful reflection, and therefore in carrying out their profession there are basic rules in the form of a Code of Professional Ethics.¹⁷

¹⁵ Wawancara dengan Ibu Nuri Ardayanti, S.H., M.H., Sekretaris Majelis Pengawas Daerah Notaris Kota Medan pada hari Rabu, tanggal 16 November 2022

¹⁶ Enny Mirfa, 2016, "Perbandingan Hukum Jabatan Notaris Di Indonesia dan Di Negara Belanda", *Jurnal ilmiah Research Sains, Universitas Samudera Langsa, Vol 2 No. 2, p. 61*

¹⁷ Elita Rahmi, 2020. *Majelis Pengawas Notaris dan Khazanah Pendidikan Notaris*, Pentas Grafika, Jambi, p. 34

The Notary Supervisory Board in carrying out its duties, refers to the Ministerial Regulation, Ministerial Decree and also the Notary Law as the basis for its actions and mandates. Article (1) number 6 of the Notary Law stipulates that the Notary Supervisory Board is a body that has the authority and obligation to carry out guidance and supervision of Notaries. The purpose of this supervision is so that Notaries when carrying out their duties fulfill the requirements related to the implementation of the duties of the Notary's office in order to safeguard the interests of the community, because Notaries are appointed by the government not for the interests of the Notary himself but for the interests of the community he serves. The implementation of supervision must be adjusted to the needs and objectives to be achieved so that the steps taken by the Notary Supervisory Board in carrying out guidance and supervision must be considered carefully and thoroughly so that they are right on target.¹⁸

This is also in accordance with the opinion of Sondang P. Siagianyang, who stated that supervision is a process of observing the implementation of all organizational activities to ensure that all work being carried out is in accordance with a previously determined plan. In the big Indonesian dictionary, the term "Supervision comes from the word awas which means to pay close attention, in the sense of seeing something carefully and thoroughly, there are no more activities except giving reports based on the actual reality of what is being supervised".¹⁹ According to Prayudi "Supervision is a process to determine what work is carried out, implemented, or organized with what is desired, planned or observed In the Notary Law Chapter IX concerning Supervision, it is generally understood as an activity carried out by the supervisor in seeing, paying attention, observing, controlling, reviewing and maintaining and providing wise direction.²⁰ Notary Supervision is carried out by the Minister who then forms a Supervisory Board consisting of elements of the government, Notary organizations and academic experts, each consisting of 3 (three) people. The composition of the Notary Supervisory Board members, as regulated in Article 67 paragraph (3) of the Notary Office Law No. 2 of 2014 concerning Amendments to the Notary Office Law No. 30 of 2004, is as follows:

- a. Government Bureaucracy of 3 (three) people;
- b. Notary Organization of 3 (three) people; and
- c. Experts or Academics of 3 (three) people;

The Supervisory Board as referred to above, consists of the Regional Supervisory Board, the Regional Supervisory Board and the Central Supervisory Board. The procedures for examining the Notary Supervisory Board are regulated in Chapter IV Article 20 to Article 35 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.02.PR.08.10 of 2004 concerning Procedures for

¹⁸ Habib Adjie, *Majelis Pengawas Notaris sebagai Pejabat Tata Usaha Negara*, Revika Aditama, cet.1 Bandung, 2011, hal 6.

¹⁹ Sondang P. Siagianyang, 2000, *Administrasi Pembangunan*, Gunung Agung, Jakarta, p. 135

²⁰ Ria Trisnomurti dan I Gusti Bagus Suryawan, 2017 "Tugas dan Fungsi Majelis Pengawas Notaris dalam Menyelenggarakan Pengawasan, Pemeriksaan, dan Penjatuhan Sanksi terhadap Notaris", *Jurnal Notariil*, Vol 2 No. 2, p. 129

Appointing Members, Dismissing Members, Organizational Structure, Work Procedures and Procedures for Examination of the Notary Supervisory Board.²¹

The Notary Supervisory Board is the only institution authorized to supervise, examine and impose sanctions on Notaries. The Notary Supervisory Board is divided into 3 (three) levels, namely the Central Supervisory Board, the Regional Supervisory Board and the Regional Supervisory Board. The Regional Notary Supervisory Board is the spearhead of the Notary Supervisory Board which carries out direct supervision of notaries.²²

Article 70 of the Notary Position Law regulates the authority of the Regional Supervisory Board relating to:

- a. Holding a hearing to examine any alleged violations of the Notary Code of Ethics or violations of the implementation of the Notary's position;
- b. Conducting examinations of the Notary Protocol periodically 1 (one) time in 1 (one) year or at any time deemed necessary;
- c. Granting leave permission for a period of up to 6 (six) months;
- d. Determining a Replacement Notary by considering the proposal of the Notary concerned;
- e. Determining the storage location for the Notary Protocol which at the time of handover of the Notary Protocol is 25 (twenty five) years old or more;
- f. Appointing a Notary who will act as the temporary holder of the Notary Protocol who is appointed as a state official as referred to in Article 11 paragraph (4);
- g. Receiving reports from the public regarding alleged violations of the Notary Code of Ethics or violations of the provisions of this Law; and
- h. Making and submitting reports as referred to in letters a, b, c, d, e, f, and g to the Regional Supervisory Council

Authority Article 71 of the Notary Law regulates the authority of the Regional Supervisory Board related to:

- a. Recording in a register book included in the Notary Protocol by stating the date of examination, the number of deeds and the number of private letters that have been legalized and those made since the last examination date;

²¹ Neneng Septika Dagis (et.al.), 2022. "Hambatan dan Upaya Majelis Pengawas Daerah dalam Melakukan Pengawasan Notaris di Kota Banjarmasin", *Jurnal Hukum dan Kenotariatan*, Vol 6 No 1, p. 399

²² Dwikky Bagus Wibisono dan Umar Ma'ruf , 2018, "Peranan Majelis Pengawas Daerah Terhadap Pengawasan Pelaksanaan Jabatan Notaris di Kabupaten Tegal", *Jurnal Akta*, Vol 5 No. 1, p. 184

- b. Making a report of the examination and submitting it to the local Regional Supervisory Board, with a copy to the Notary concerned, the Notary Organization, and the Central Supervisory Board;
- c. Keeping the contents of the deed and the results of the examination confidential;
- d. Receiving a certified copy of the list of deeds and other lists from the Notary and keeping it confidential;
- e. Examining public reports against the Notary and submitting the results of the examination to the Regional Supervisory Board within 30 (thirty) days, with a copy to the reporting party, the Notary concerned, the Central Supervisory Board, and the Notary Organization;
- f. Submitting an appeal against the decision to reject leave.

The authority of the Regional Supervisory Board is also regulated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02.PR.08.10 of 2004, as in Article 13 paragraph (1) and (2), which confirms that, the administrative authority of the Regional Supervisory Board is carried out by the chairman, deputy chairman or one of the members who is authorized based on the decision of the Regional Supervisory Board meeting, namely regarding:

- a. Granting leave permission for a period of up to 6 (six) months;
- b. Appointing a Replacement Notary;
- c. Determining the storage location for the Notary Protocol which at the time of handover of the Notary Protocol is 25 (twenty five) years old or more;
- d. Receiving reports from the public regarding alleged violations of the Notary Code of Ethics or violations of provisions in the Law;
- e. Initialing and signing the list of deeds, list of legalized private letters, list of legalized private letters, and list of other letters required by Law;
- f. Receive written delivery of copies of the list of deeds, list of legalized private letters, and list of legalized private letters made in a book, which have been made in the previous month no later than 15 (fifteen) calendar days in the following month, containing at least the number, date, and title of the deed.

The authority of the Regional Supervisory Board in Article 15 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02.PR.08.10 of 2004 regulates the examination conducted on Notaries, namely:

- a. The Regional Supervisory Board before conducting periodic examinations or examinations at any time deemed necessary, must first notify the Notary concerned in writing no later than 7 (seven) working days before the examination is conducted;

b. The notification letter as referred to in paragraph (1) includes the time, day, date, and name of the member of the Regional Supervisory Board who will conduct the examination;

c. At the time specified for the examination, the Notary concerned must be in his office and prepare all Notary Protocols.

d. The authority of the Regional Supervisory Board in Article 16 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02.PR.08.10 of 2004, regulates the examination of Notaries conducted by the Examination Team, namely:

e. Periodic inspections are carried out by an Inspection Team consisting of 3 (three) members from each element formed by the Regional Supervisory Board assisted by 1 (one) secretary;

f. The Inspection Team as referred to in paragraph (1) must refuse to examine a Notary who has a marital relationship or blood relationship in a straight line upwards or downwards without degree restrictions, and a straight line sideways up to the third degree with the Notary;

g. In the event that the Inspection Team has a relationship as referred to in paragraph (2), the Chairperson of the Regional Supervisory Board shall appoint a replacement

The results of the examination by the Examination Team as mentioned above must be made into a Minutes and reported to the Regional Supervisory Board, the management of the Notary's job organization and the Regional Supervisory Board, this is based on Article 17 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02.PR.08.10 of 2004, namely:

a. The results of the Examination Team's examination as referred to in Article 15 are stated in the minutes of the examination signed by the Head of the Examination Team and the Notary being examined;

b. The minutes of the examination as referred to in paragraph (1) are submitted to the local Regional Supervisory Board with a copy to the Notary concerned, the Regional Management of the Indonesian Notary Association, and the Central Supervisory Board.

In this case, after receiving the report and holding a hearing to examine any alleged violations of the implementation of the notary's position, the Regional Supervisory Board is not given the authority to impose any sanctions. The Regional Supervisory Board is only authorized to report the results of its hearing and examination to the

Regional Supervisory Board with a copy to the reporting party, the notary concerned, the Central Supervisory Board, and the notary organization.²³

The authority of the Regional Supervisory Board is also regulated in the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M. 39-PW.07.10.Year 2004, as stated in number 1 point 2 concerning the Duties of the Notary Supervisory Board, namely implementing the authority as referred to in Article 70, 71 of the Notary Law, Article 12 paragraph (2), Article 14, 15, 16, and 17 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02.PR.08.10 Year 2004, and other authorities, namely:

- a. Submitting to the Regional Supervisory Board the response of the Regional Supervisory Board regarding objections to the decision to reject leave;
- b. Notifying the Regional Supervisory Board of any suspected criminal elements found by the Regional Examination Board based on the report submitted to the Regional Supervisory Board;
- c. Recording the leave permit granted in the leave certificate;
- d. Signing and initialing the Deed Register Book and special books used to validate signatures of private letters and to record private letters;
- e. Receiving and administering the Minutes of Submission of Protocols
- f. Submitting to the Regional Supervisory Board:
 - 1) Periodic reports every 6 (six) months or in July and January;
 - 2) Incidental reports every 15 (fifteen) days after granting leave permission.

3.3. Notary's Responsibility for Deeds

With the increasing number of reports and complaints from the public to the Notary Supervisory Board, it is a good idea to study the notary supervision function in order to be able to portray the Notary Institution as a functional institution needed to answer the legal certainty of legal acts needed in the development of law that grows in the life of society. Notaries as public officials have unique characteristics in their implementation and supervision, the characteristics in question are to guarantee the realization of the principle of the perfection of notarial deeds which can only be violated if there is another party who feels disadvantaged due to the making of the deed. Notaries can be held accountable for their actions in connection with the deed, since the Notary took his oath of office. The oath controls the actions of the Notary in carrying out his office.²⁴

²³ Heriyanti, 2021, "Notary Responsibility for the Application of the Principle of Identifying the Beneficiary of the Corporation", *International Journal of Business, Economics and Law*, Vol.24 No.5, hal 103.

²⁴ Sri Indriyanti Mahmud (et.al.), 2022 "Menyoroti Kinerja Majelis Pengawas Daerah Dalam Pengawasan Notarisdi Gorontalo Utara", *ILREJ Vol 1 No. 3*, p. 374

A Notary in carrying out his duties if proven to have committed a violation of office or ethics, then he can be subject to or given sanctions. In imposing sanctions for violations of the Notary Law, it is carried out by the MPN as regulated in Article 73 paragraph (1) letter e of the Notary Law that the Regional Supervisory Board has the authority to give sanctions in the form of verbal or written warnings. Meanwhile, a Notary who is suspected of violating the Notary Code of Ethics or violating the Notary Law, then the authority to carry out supervision is the Regional Supervisory Board as regulated in Article 13 paragraph (2) letter d of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.02.PR.08.10 of 2004 concerning Procedures for Appointing Members, Dismissing Members of the Organizational Structure, Working Procedures and Examination Procedures of the Notary Supervisory Board that, receives reports from the public regarding alleged violations of the Notary Code of Ethics or violations of provisions in the law.²⁵

Based on the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.02.PR.08.10 of 2004 concerning Procedures for Appointing Members, Dismissing Members of the Organizational Structure, Working Procedures and Examination Procedures of the Notary Supervisory Board, Article 1 number 5 defines the meaning of supervision which reads, Supervision is an activity that is preventive and curative in nature including coaching activities carried out by the Notary Supervisory Board towards Notaries. The main task of Notary supervision is to ensure that all rights, authorities and obligations granted to Notaries in carrying out their duties as provided by the relevant basic regulations are always carried out on the determined path, not only the legal path but also on the basis of professional morals and ethics in order to ensure protection and legal certainty for the community.

In carrying out supervision of Notaries, namely carrying out preventive and curative supervision, then based on the provisions that regulate, it can be identified which authorities are included in preventive supervision and which authorities are included in curative supervision, as follows:

a. Preventive supervision authorities which include matters regulated in Article 70 letters b, c, d, e, f and h of the Notary Law, Article 13 paragraph (2) letters a, b, c, e and f of Permenkumham No: M.02.PR.08.10, where these authorities are administrative in nature which regulate more about procedural procedures and notary protocols.

b. Supervisory authorities that are curative in nature include matters regulated in Article 70 letters a and g of the Notary Law, Article 13 paragraph (2) letter d of Permenkumham No: M.02.PR.08.10 of 2004 which regulates taking action against alleged violations committed by Notaries against the Notary Law and the Code of Ethics.

The form of preventive supervision carried out by the Notary Supervisory Board to prevent violations of the code of ethics is carried out by means of a Notary Code of Ethics position reflection to provide material related to the implementation of the Notary's position, participating in seminars, and the Supervisory Board coming to the Notary's office to check the Notary's protocol. The form of preventive supervision carried out is passive, meaning that supervision is carried out based on reports from the public accompanied by various evidence. The purpose of preventive supervision carried out by the Notary Supervisory Board in carrying out its supervisory duties

²⁵ Didit Wardio dan Lathifah Hanim, 2018, "Peranan Majelis Pengawas Daerah (MPD) Terhadap Pengawasan Pelaksanaan Tugas Jabatan Notaris di Kabupaten Sleman", *Jurnal Akta*, Vol 5, hal 133

towards Notaries in carrying out its position is to prevent violations of authority by Notaries. The forms of implementation include visiting the Notary's office to check the writing of the Notary's protocol at least once a year and providing direction so that the Notary implements the Notary Law and the Notary Code of Ethics, as well as being a resource person for seminar events.

4. CONCLUSION

In 2018, 2019, 2020 and 2021, there were 54 (fifty-four) reports of alleged violations of the code of ethics by Notaries received by the Regional Supervisory Board, where in 2018 there were 8 (eight) reports and increased to 12 (twelve) in 2019 and 24 (twenty-four) in 2020. In 2021, the number of reports has decreased to 10 (ten). The implementation of supervision carried out by the Medan City Regional Supervisory Board has so far been in accordance with the regulations and work procedures of the Regional Supervisory Board. Medan City Notaries themselves must be more aware of the importance of upholding ethics in working according to their oath of office as Notaries. Some of the supervisory methods carried out by the Notary Supervisory Board to prevent violations of the Notary's position include visiting the notary's office to inspect the office and the writing of the Notary's protocol at least once a year and providing direction so that the Notary implements the Notary Law and the Notary Code of Ethics, as well as becoming a resource person for seminars and legal socialization events, especially regarding the notary world. The form of preventive supervision carried out is passive, meaning that supervision is carried out based on reports from the public accompanied by various evidence. Supervision by the notary supervisory board is quite important considering that the notary profession is quite crucial in determining the legality of a legal act and legal relations between individuals in society, so that in order to strengthen supervision of notaries, the notary supervisory board should create a public complaint institution or public complaint hotline that is easily accessible to the public considering that currently many people do not know how to make complaints to the notary supervisory board.

5. REFERENCES

Journals:

- Abdul Rohim, "Peran Majelis Pengawas Daerah terhadap Tanggung Jawab Notaris Atas Akta yang Tidak Dibacakan", *Jurnal Hukum & Kenotariatan*, Vol 2 No 1, February 2018.
- Carlos Pizarro Wilson, "La Responsabilidad Civil de Los Notarios en Chile", *Revista de Derecho Universidad Catolica del Norte*, Vol.18 No.2, p. 138, 2011.
- Dany Rimawan & Faisal Santiago, "Juridicial Analysis of Law of Notary Position and The Notary Code of Conduct Related to Agreements Cooperation Between Banks and Notaries", *ICLSSEE 2022*, April 16, Semarang, <http://dx.doi.org/10.4108/eai.16-4-2022.2320031>, p. 3.
- Deasy Ratna Sari, "Pelaksanaan Kewenangan Majelis Pengawas Daerah Mengenal Sanksi Terhadap Pelanggaran yang Dilakukan Notaris", *Lambung Mangkurat Law Journal*, Vol 1 No. 1, March 2016.
- Deviana Yuanitasari, "The Role of Public Notary in Providing Legal Protection on Standard Contracts for Indonesian Consumers", *Sriwijaya Law Review*, Vol.1 No.2, p.188, 2017.

- Didit Wardio & Lathifah Hanim, "Peranan Majelis Pengawas Daerah (MPD) Terhadap Pengawasan Pelaksanaan Tugas Jabatan Notaris di Kabupaten Sleman", *Jurnal Akta*, Vol 5, 2018.
- Dwikky Bagus Wibisono & Umar Ma'ruf, "Peranan Majelis Pengawas Daerah Terhadap Pengawasan Pelaksanaan Jabatan Notaris di Kabupaten Tegal", *Jurnal Akta*, Vol 5 No. 1, March 2018.
- Enny Mirfa, "Perbandingan Hukum Jabatan Notaris Di Indonesia & Di Negara Belanda", *Jurnal ilmiah Research Sains*, Universitas Samudera Langsa, Vol 2 No. 2, 2016.
- Ferdiansyah Putra & Ghansham Anand, "Perlindungan Hukum Terhadap Para Pihak yang Dirugikan Atas Penyuluhan Hukum oleh Notaris", *Jurnal Komunikasi Hukum (JKH)*, Vol 4 Nomor 2, August 2018.
- Hafidz Anugerah Dewandaru, et.al., "Bonding Deed of Sale and Buying an Important Deed Developed by a Notary", *International Journal of Business, Economics and Law*, Vol.28 No.1, p. 26, 2022.
- Henry Donald Lbn Toruan, "Legalitas Keberadaan Majelis Pengawas Notaris & Majelis Kehormatan Notaris", *Jurnal Penelitian Hukum De Jure*, Volume 20, 2020.
- Heriyanti, "Notary Responsibility for the Application of the Principle of Identifying the Beneficiary of the Corporation", *International Journal of Business, Economics and Law*, Vol.24 No.5, p. 103, 2021.
- Heriyanti & Fatimah Handayani Siregar, "Notary Legal Responsibilities in Applying the Prudential Principle of Recognizing the Benefits of Corporations", *International Journal of Business, Economics and Law*, Vol.24 No.6, p. 200, 2021.
- Ikhsan Lubis, et.al., "Cyber Notary as a Mean of Indonesian Economic Law Development", *Sriwijaya Law Review*, Vol.7 No.1, p.63, 2023.
- Liliana Tedjosaputro dalam Laurensius Arliman, "Sumbangsih Werda Notaris dalam Organisasi Ikatan Notaris Indonesia", *Jurnal Yuridika, Fakultas Hukum Universitas Airlangga*, Vol 30 No. 3, 2015
- M. Jamil, "Sanksi Pelanggaran Kode Etik Notaris oleh Majelis Pengawas Notaris", *Supremasi Hukum* Vol 7 No. 2, p. 5, November 2018
- Neky Kuntjoro, "Efektivitas Pengawasan Majelis Pengawas Daerah Kota Yogyakarta terhadap Perilaku Notaris di Kota Yogyakarta menurut Kode Etik Notaris", *Lex Renaissance*, Vol 1 No 2, July 2016.
- Neneng Septika Dagis (et.al.), "Hambatan & Upaya Majelis Pengawas Daerah dalam Melakukan Pengawasan Notaris di Kota Banjarmasin", *Jurnal Hukum & Kenotariatan*, Vol 6 No 1, February 2022.
- Ria Trisnomurti & I Gusti Bagus Suryawan, "Tugas & Fungsi Majelis Pengawas Notaris dalam Menyelenggarakan Pengawasan, Pemeriksaan, & Penjatuhan Sanksi terhadap Notaris", *Jurnal Notariil*, Vol 2 No. 2, November 2017.
- Sri Indriyanti Mahmud (et.al.), "Menyoroti Kinerja Majelis Pengawas Daerah Dalam Pengawasan Notaris di Gorontalo Utara", *ILREJ* Vol 1 No. 3.
- Tri Ulfi Handayani, "Urgensi Dewan Kehormatan Notaris Dalam Penegakan Kode Etik Notaris Di Kabupaten Pati", Semarang, *Jurnal Akta* Vol 5 No. 1, March 2018.

Books:

- Aan Komariah & Djam'an Satori, (2011), *Metode Penelitian Kualitatif*, Alfabeta, Bandung.
- Burhan Bungin, (2003), *Analisa Data Penelitian Kualitatif, Pemahaman Filosofis & Metodologis Kearah Pengawasan Modal Aplikasi*, PT RajaGrafindo Persada, Jakarta.
- Burhan Bungin H. M. (2011), *Penelitian Kualitatif: Komunikasi, Ekonomi, Kebijakan Publik, & ilmu Sosial Lainnya*, Kencana Prenada Media Group, Jakarta.

Elita Rahmi, (2020), Majelis Pengawas Notaris & Khazanah Pendidikan Notaris, Pentas Grafika, Jambi.

G.H.S. Lumban Tobing, (1983), Peraturan Jabatan Notaris, Erlangga, Jakarta.

Habib Adjie, (2011), Majelis Pengawas Notaris sebagai Pejabat Tata Usaha Negara, Revika Aditama, Bandung.

Hartanti Sulihandari & Nisya Rifiani, (2013), Prinsip-Prinsip Dasar Profesi Notaris, Dunia Cerdas, Jakarta.

Mohammad Nazir, (1988), Metode Penelitian, Ghalia, Jakarta.

Peter Mahmud Marzuki, (2005), Penelitian Hukum, Kencana Prenada Media Group, Jakarta.

Prayudi, (1981), Hukum Administrasi Negara, Ghalia, Jakarta.

Salim, H. S., (2022), Pengantar Kode Etik Notaris, Reka Cipta, Bandung.

Sjaifurrachman, (2017), Aspek Pertanggungjawaban Notaris Dalam Pembuatan Akta, Mandar Maju, Bandung.

Sondang P. Siagianyang, (2000), Administrasi Pembangunan, Gunung Agung, Jakarta.

Sujanto, (1986), Beberapa Pengertian Di Bidang Pengawasan, Ghalia, Jakarta.

Sutrisno & Wiwin Yulianingsih, (2016), Etika Profesi Hukum, Penerbit ANDI, Yogyakarta.

Regulations:

Law Number 2 of 2014 Concerning the Position of Notary

Minister of Law and Human Rights Regulation Number M.02.PR.08.10 of 2004 concerning Procedures for Appointment of Members, Dismissal of Members, Organizational Structure, Work Procedures, and Procedures for Examination of the Notary Supervisory Board

Minister of Law and Human Rights Regulation Number 15 of 2020 concerning Procedures for Examination of the Notary Supervisory Board

Minister of Law and Human Rights Decree Number M-01.H.T.03.01 of 2003 concerning Notary.