

The Legal Implications for Authentic Deeds Declared to be False

Pasma Royce¹⁾ & Amad Sudiro²⁾

¹⁾ Faculty of Law, Universitas Tarumanagara, Jakarta, Indonesia, E-mail: pasma.royce01@gmail.com

²⁾ Faculty of Law, Universitas Tarumanagara, Jakarta, Indonesia

Abstract. *A notary is an official who is authorized to make authentic deeds. An authentic deed is a deed whose proof is strong in court. As a Notary, caution is important, because the Notary is responsible for the deed and the parties who sign the deed. The problem faced in this study is how to be responsible for the falsification of the contents of the deed and signatures carried out by the parties by the notary and the plaintiff in the Surabaya District Court Decision Number 237/Pid.B/2021/PN. Sby and what are the legal implications for authentic deeds that are declared fake in the Surabaya District Court Decision Number 2370/Pid.B/2021/PN. Sby. The research method used in this writing is the research of normative juridical law. The results of the study show that if a Notary while carrying out his office commits a violation that causes losses to the parties or third parties, then a Notary can be sanctioned in the form of civil sanctions contained in Article 84 and sanctions of the code of ethics for the position of Notary or administrative in Article 85. The Notary Position Law only regulates Civil Sanctions and Code of Ethics Sanctions for Notary Positions, it does not mention the existence of Criminal Sanctions that can be given to a Notary. However, criminal sanctions can also be imposed on the Notary, if the act committed meets the elements of a criminal act. As with the process of imposing witnesses, it is necessary to prove the charges that are accused of the Notary, which in the imposition of witnesses and the authority to examine and adjudicate is the code of ethics assembly, while the criminal sanctions or civil sanctions that examine and adjudicate are the courts. Legal implications for authentic deeds that are deliberately filled with false information in their creation, the notary deed is null and void by court decision and the deed becomes degraded from the original authentic deed to a deed under hand.*

Keywords: *Authentic; Counterfeit; Deeds; Implications.*

1. Introduction

The rule of law in Indonesia is built on Pancasila and the 1945 Constitution, which are important foundations in regulating legal certainty and order and protecting citizens' rights. The principle of the rule of law serves to ensure justice, so that all rights and obligations of society can be clearly exercised and protected. Valid evidence is important in determining the rights and responsibilities of each person as a legal subject, as this helps to ensure a fair legal process¹.

To ensure certainty, order, and legal protection within society, the role of notaries is essential and highly influential, particularly in drafting deeds. A notary holds the authority to create authentic deeds, providing protection for the parties involved in the contract. A regulation stipulates that a notary is an official empowered to create and issue notarial deeds because of the complete evidentiary value and the trustworthiness of a deed created by a notary. Notaries are required to act professionally, adhere to relevant regulations, and uphold the notarial code of ethics in performing their duties².

The role of a Notary is mandated by law to assist and serve those in the community who require authentic written evidence of a situation, event, or legal action³. Notaries are public officials who have special authority to make authentic deeds, as stipulated in "Law Number 2 of 2014 concerning the Notary Position" (UUJN). Before being able to carry out their duties, a notary must first take an oath of office before the Minister of Law and Human Rights of the Republic of Indonesia. This ensures that a notary maintains the honor and integrity of their position, as their work is based on the trust of the general public.

An authentic deed prepared by a Notary is considered to have "perfect evidentiary power," meaning that the document is deemed valid and its truth cannot be questioned by other parties, unless there is evidence that can prove the contents of the document to be false.

According to Article 1868 of the Civil Code (KUHPer), an authentic deed is a document prepared in accordance with the procedures and requirements set forth by law, involving an authorized public official. The deed must be prepared in the place where the official is authorized to act. For a deed to be considered authentic, it must meet all the elements stipulated by law, such as:

¹ M Luthfan Hadi Darus, "Hukum Notariat Dan Tanggung Jawab Jabatan Notaris," *Ull Perss, Yogyakarta* (2017).

² Herlien Budiono, *Kumpulan Tulisan Hukum Perdata Di Bidang Kenotariatan* (Citra Aditya Bakti, 2007).

³ Habib Adjie, "Indonesian Notary Law (Thematic Interpretation of Law Number 30 of 2004 Concerning Notary Positions)," *PT. Refika Aditama, Bandung* (2014).

1. The deed was prepared and authorized in accordance with applicable legal provisions.
2. The deed is drawn up by or before an authorized public official.
3. That the deed is made in the presence of the authority to make it at the place where it is made.

According to this statement, notaries have an important role as officials authorized to make authentic deeds, which function as legal documents to protect the rights and obligations of all parties involved in a transaction or agreement. The process of making this deed follows the provisions stipulated by law, but also reflects the will or agreement of the parties concerned. This means that an authentic deed provides legal certainty because it contains the rights and obligations of the parties clearly and legally, which makes it a legal protection tool in every transaction carried out.

Basically, an authentic deed reflects the truth based on the information provided by the parties involved. Even so, the Notary is responsible for ensuring that all parties fully understand what is stated in the deed and that the contents of the deed are in accordance with their will. For this reason, the Notary is required to read the deed so that all parties can listen and ensure that they agree with the contents of the document before signing it. This process provides an opportunity for the parties to decide whether they will agree or disagree with the contents of the deed to be processed ⁴.

Every deed prepared by a Notary must be kept neatly in the Notary's office in the form of a bound official document, called minuta deed. This deed minuta is the original copy kept by the Notary as official evidence. Meanwhile, a copy of the deed is a version of the document given to the relevant parties, the content of which is identical to the minuta deed. The main difference between the original deed (minuta deed) and the copy of the deed lies in the signature at the end of the document. The original deed has the signatures of the Notary and witnesses, while the copy of the deed only includes the Notary's signature, as the copy is for the reference of the parties involved ⁵.

As explained earlier, an authentic deed is a document prepared by or in the presence of a Notary, in accordance with the regulations stipulated in the UUJN. This law regulates how a Notary must create and certify a deed, so that the deed has legal force. An authentic deed can give legal status to an object, such as property or other assets, and establish the rights and obligations recognized by

⁴ Sri Yuniati, "Mekanisme Pemberian Sanksi Terhadap Notaris Yang Melakukan Pelanggaran Kode Etik Jabatan Notaris," *Jurnal Akta* 4, no. 4 (2017): 585–590.

⁵ Kunni Afifah, "Tanggung Jawab Dan Perlindungan Hukum Bagi Notaris Secara Perdata Terhadap Akta Yang Dibuatnya," *Lex Renaissance* 2, no. 1 (2017): 10.

the parties involved in the agreement or transaction. An authentic deed becomes valid and legally recognized evidence, providing legal certainty for the parties involved. The things in the contents of the deed can be considered to have never existed if the Notary does not work carefully in making it. This can lead to a mistake in the future. Therefore, Notaries are required to follow the provisions contained in the UUJN and the Notary Code of Ethics when performing their duties and authorities. If a Notary is proven to have violated these regulations, they may be subject to various types of sanctions. These sanctions can be in the form of criminal penalties (such as fines or imprisonment), civil sanctions (such as compensation), or administrative sanctions (such as license revocation or suspension of office).

According to Article 15 of the Notary Law, in addition to the main task of the Notary in creating authentic deeds, the Notary is also authorized to authenticate and record documents personally prepared by the parties involved. These documents are referred to as private letters, using stamps in accordance with applicable regulations, as proof of legality in the transactions or agreements contained within them. This is done by the Notary by registering the letters in the list of special books for Notaries. This book then serves as a reference for the Notary and will be kept by the Notary. If the Notary is found to have created an authentic deed using fraudulent information, then the Notary can be held legally liable. The liability of the Notary who has entered false information is considered to be a forgery of a letter, moreover the forgery of an authentic deed. So, the punishment for this act is heavier than forging an ordinary letter.

Including false information in an authentic deed constitutes forgery. The crime of forgery of documents is regulated in Article 263 paragraph (1) KUHP, which states: "whoever makes a false letter or forges a letter that can give rise to a right, obligation or debt exemption, or that is intended as evidence of something with the intention of using the letter as if its contents are true and not false, threatened if the use can cause losses, due to forgery of letters, with a maximum prison sentence of six years".

Furthermore, Article 264 of the Criminal Code regulates the forgery of letters involving authentic deeds. Because authentic deeds have stronger evidentiary power compared to ordinary documents, forgery of them is considered a more serious offense. Therefore, the law imposes heavier penalties for forgery of authentic deeds as a form of protection for the validity of documents with legal force. In Article 264 Paragraph of KUHP is a form of responsiveness. A responsive law is always based on civil morality, namely *morality of cooperation*⁶. The crime of forgery is not only a violation of legal norms, but also contrary to morality, morality can be interpreted as ethics. Deliberately created untruthfulness

⁶ Ali Zidin, *Towards Criminal Law Reform* (Jakarta: Sinar Grafika, 2015).

characterizes how morality has been violated by the person who deliberately violates it ⁷.

Meanwhile, if there is incorrect information in the deed, it will undermine the authenticity and validity of the document. An authentic deed serves to record and inform about the legitimate legal relationship between the parties with the object mentioned in the deed, such as property rights or other agreements. False information in a deed can cause legal uncertainty and harm parties who rely on the authenticity of the deed. An authentic deed is a signed letter that contains the events on which a right or covenant is based, which was made from the beginning deliberately for proof ⁸. A forged signature is part of a false statement which of course makes the events on which a right or covenant is based is invalid according to the law.

One concrete example of forgery of deeds committed by Notaries is in "Decision Number 2370/Pid.B/2021/PN. Sby". This case began with the creation of Deed of Agreement Number 5 on October 11, 2018, drafted by Notary Musdalifah, S.H., M.Kn., and used by witness Lim Chandra Sugiarto to apply for a Long-Term Installment Credit facility at Bank Danamon, Governor Suryo Branch, Surabaya. In this case, the witness Lim Chandra Sugiarto was involved in the creation of the Deed of Agreement containing false information with the intent to deceive Bank Danamon. The authentic deed, which should contain the truth and have legal force, was unlawfully used by inserting incorrect data. In this instance, the witness used or instructed others to use the deed as if it were valid and true. The deed was made at the request of witness Lim Chandra Sugiarto to deceive Bank Danamon, which had previously requested the Director (Lim Chandra Sugiarto) and the Deputy Director (Lim Jony Gunawan) to be present to sign the credit facility for the CV. SMR, so that the preparation of the Deed carried out by the defendant for the use of the Deed as if the contents were correct by the witness Lim Chandra Sugiarto caused losses to Bank Danamon Surabaya Branch of ±Rp24,000,000,000,- (twenty-four billion rupiah).

Based on this, for the unlawful acts committed by Musdalifah, S.H., M.Kn. legally and convincingly proven guilty of committing the crime of "Forgery of Authentic Deeds", and the judge sentenced the Defendant Musdalifah, S.H., M.Kn to imprisonment for: 1 (one) year.

This research focuses on understanding the legal consequences for the parties involved as well as the validity and evidentiary power of the deed after it is declared unauthentic. Through this research, the author hopes to provide a more

⁷ A Gunawan Setiardi, "Dialektika Hukum Dan Moral Dalam Pembangunan Masyarakat Indonesia" (1990).

⁸ Sudikno Mertokusumo, "Hukum Acara Perdata Indonesia" (2009).

in-depth understanding of legal liability and its effect on the validity of official documents that are declared fake.

2. Research Methods

The method used in this research is normative or doctrinal legal method⁹. Normative or doctrinal legal research focuses on the analysis of existing legal regulations and how these regulations are interconnected. This research aims to provide a clear and structured explanation of legal rules within a specific category, such as criminal law, civil law, or constitutional law. In addition, this research also seeks to explore areas that still pose problems or difficulties in the application of the law, as well as to provide predictions or projections regarding how the law will develop in the future. The main subject in this research is authentic deeds that are declared false, with a case study of the “Surabaya District Court Decision Number 237/Pid.B/2021/PN. Sby”. The focus of this research is to understand the legal implications of the declaration that the deed is forged, as well as evaluating its impact on the parties involved in the legal process of this forgery.

The specification of this research is descriptive analytical, which aims to describe or explain in detail the laws and regulations that apply in a particular context. In addition, this research also seeks to relate these regulations to positive legal theory, which is the law that is officially recognized and applied in the prevailing legal system¹⁰. The types of data or legal materials in this research are divided into three categories: “primary, secondary, and tertiary legal materials”. The primary data used is the relevant Surabaya District Court Decision, which is the main basis for analysis. Secondary data includes legal literature such as books, scientific journals, and articles that discuss authentic deeds, forgery, and the legal impacts arising in the Indonesian legal system. In addition, relevant laws and regulations, such as the Law on the Office of Notary, were also used as part of the secondary data.

To collect legal materials, this research uses document study techniques or literature studies. This study is conducted through content analysis of various written legal materials to understand and classify data pertinent to the issue being examined. This research uses two approaches, namely the juridical approach and the case approach. The legislative approach is conducted by examining various laws and regulations relevant to the legal issues being analyzed. The case approach is carried out through analysis of related cases that have become court decisions with permanent legal force, namely the Surabaya District Court Decision which is the focus of this research.

⁹ “Peter Mahmud Marzuki, “Penelitian Hukum (Jakarta: Kencana Prenada Media Group)” (Hal, 2011).”

¹⁰ Ronny Hanitiyo Soemitro, *Metodologi Penelitian Hukum*, 1983.

The data analysis technique in this research is qualitative analysis. This technique is used to explain the concept of the problem in depth without using numerical data. The data collection process is carried out through literature studies, which are then analyzed and grouped to understand and find solutions to the problems studied.

3. Result and Discussion

3.1. Responsibility for the Forgery of the Contents of the Deed and Signatures Carried out by the Parties by the Notary and the Presenter in the Decision of the Surabaya District Court Number 237/Pid.B/2021/PN. Sby

Notaries, although working within the realm of civil and administrative law, also have criminal liability if the deed they make is involved in a criminal offense. If an authentic deed made by a notary is suspected of containing false or unlawful information, the notary can be held criminally liable. This process includes examination in the investigation, proof in court, and execution of a judge's decision that has permanent legal force. This criminal liability arises when there is a dispute involving the deed and if the deed fulfills certain elements of a criminal offense, such as, among others ¹¹:

a. Human deeds

Acts are actions and events caused by these acts, Moeljatno argues that what is meant by human actions in the reversal of criminal acts is behavior plus events caused by behavior. He further stated that:

"In criminal law, there are positive and negative behaviors. In terms of positive and negative behavior. In the case of positive behavior, the defendant does something, while in negative cases a person does not do something that should be done. As for what is meant by behavior, it is a physical attitude, because not doing something cannot be included in that sense and what is included in the meaning of behavior is limited to the physical attitude that is realized."

b. Complying with the provisions in the laws and regulations means following the principle of legality, namely "nullum delictum nulla poena sine praevia lege poenali" (an act cannot be considered a criminal offense or subject to punishment unless the act has been regulated and stated as a criminal offense in the applicable laws and regulations).

c. It is unlawful.

In addition to the two elements already mentioned, in order for an act to be categorized as a criminal offense, the act must also meet the third element,

¹¹ Abdul Ghofur Anshori, "Lembaga Kenotariatan Indonesia: Perspektif Hukum Dan Etika" (2009).

namely the element of against the law. This element is an element that cannot be ignored in a criminal offense.

Conversely, notaries have a great responsibility in terms of proving criminal cases, especially when the deed they make becomes an issue in a case. If that happens, the notary can be asked to provide information or testimony regarding how the deed was made, both in terms of formality and substance. However, as a public official, a notary cannot be directly examined without following proper procedures. In this case, UUJN provides legal protection to notaries to ensure that what they do in carrying out their duties remains legally protected. This protection is stated in Article 66 paragraph (1) of the UUJN, which regulates the limitations and protection given to notaries in carrying out their profession. For the purposes of the judicial process, investigators, prosecutors, or judges can involve notaries, but this must be done with the approval of the authorized notary honor board:

- a. Taking copies of the Deed Minute and/or documents attached to the Deed Minute or Notary Protocol kept at the Notary's storage place.
- b. Requesting the Notary to be present in the examination related to the Deed Minute or Notary Protocol kept by the Notary.

The liability of a Notary does not only involve issues related to administrative or civil procedural errors, which can also relate to criminal law if the negligence or errors committed harm other parties. Although there are no criminal sanctions directly stipulated for Notaries in the laws and regulations, negligence or errors that cause harm can still be the basis for lawsuits.

Acts of mail forgery by Notaries can include the creation or submission of false information in official documents, which should reflect the truth. While most Notaries may consider this to be only a minor administrative offense, it can actually be classified as a serious criminal offense with severe legal consequences, depending on the extent to which the offense affects the validity of the document and harms other parties.

In the decision of case Number 237/Pid.B/2021/PN. Sby, the Panel of Judges declared against the defendant Musdalifah, S.H., M.Kn, legally and convincingly guilty of committing the crime of "FORGERY OF AUTHENTIC DEEDS" and the judge sentenced the defendant MUSDALIFAH, S.H., M.Kn. binti M.MAS'UD with a prison sentence of: 1 (one) year.

The judge evaluated that the evidence presented during the trial supported the charges brought against the defendant, particularly in relation to the article on forgery of documents. Thus, the judge found that the defendant had committed the unlawful act as alleged. The arguments raised by the defendant's legal

counsel seeking to deny the allegations were not accepted as they were not supported by strong evidence.

Thus, it is strongly argued that if an employee working under the authority of a notary commits forgery of a letter, and as a result a legal problem arises that can be categorized as a criminal offense, the notary as the assignor still has legal responsibility. This responsibility arises both objectively based on the unlawful act, as well as subjectively, namely if the notary is proven to meet the criteria to be subject to criminal punishment¹².

The principle underlying this is that a person cannot be punished without fault, or what is often referred to as “actus non facit reum nisi mens sit rea”, which means that an act cannot be considered a crime if there is no intention or fault behind it. When a notary, even if a worker commits a criminal offense such as forgery of a letter, if the notary knows and allows the act, then the notary must be held responsible for the actions taken in carrying out his professional duties.

The magnitude of the responsibility of Notaries in carrying out their profession requires Notaries to always be careful and careful in their every action. Notaries, like any other profession, can make mistakes in carrying out their duties, which can result in harming other parties. However, in order to impose sanctions, there must be a clear legal basis that prohibits the act, and there must be evidence that the act caused harm. In addition, the act must be unlawful, both from procedural and substantial aspects, meaning that it not only violates existing legal procedures, but also violates the principles of justice or applicable legal norms.

In “Surabaya District Court Decision Number 2370/Pid.B/2021/PN.Sby”, the defendant Musdalifah, a notary public, was found guilty of forgery of authentic deeds, which is a violation of the law under Article 264 paragraph (1) of the Criminal Code. The judge's decision confirmed that the act fulfilled the elements required in the article, so Musdalifah was found guilty.

In the author's view, it emphasizes that according to Article 264 paragraph (1) of the Criminal Code, forgery of authentic deeds, made by authorized officials, involves a single perpetrator, which in this case is Musdalifah. As a notary, Musdalifah has the responsibility to make legal and authentic deeds in accordance with the requests of related parties. Forgery committed by a notary, if proven, leads to legal liability because authentic deeds have high evidentiary power in legal relations. As explained, an authentic deed is a document made by a public official authorized by law, such as a Notary, Civil Registration Officer, or

¹² Dwidja Priyatno, “Kebijakan Legislasi Tentang Sistem Pertanggungjawaban Pidana Korporasi Di Indonesia” (Program Doktor Ilmu Hukum Program Pascasarjana Universitas Katolik Parahyangan, 2003).

Land Deed Official (PPAT). These officials make authentic deeds to fulfill requests from parties in need.

This is the person who ordered to enter false information. The act of instructing contains elements of:

- a. Initiative or will to make a deed: This means that the desire to make the deed comes from the party requesting the deed, not from the official authorized to make authentic deeds. The party requesting the deed has full control over what the deed should contain, such as the object or event to be recorded;
- b. Ordering to give false information: In this case, the person requesting the authentic deed is essentially providing information or information to the deed official that is contrary to reality, or even information that is deliberately falsified. The person is liable for providing information that is inconsistent with the truth.
- c. The official does not know the information is false: The official making the authentic deed does not know that the information provided by the person requesting the deed is false or fraudulent. The official only acts in accordance with the request and the information he or she receives without further verification.
- d. Officials cannot be held liable: Since the official making the authentic deed was not aware of any untruth in the information provided by the person requesting the deed, he or she cannot be held liable for making a deed whose contents are false. Therefore, he/she cannot be subject to criminal punishment, as there was no fault on the part of the official in making the deed.

Thus, the provisions of Article 264 paragraph (1) of the Criminal Code can be applied to the Notary in criminally responsible for his act of forging an authentic deed Number: 149.

Legal Implications for Authentic Deeds Declared False in the Decision of the Surabaya District Court Number 2370/Pid.B/2021/PN. Sby

A deed made by a notary has strong evidential value, but if any party doubts its authenticity, then that party must prove that the deed is invalid. After that, the judge will decide whether the deed remains valid or should lose its authentic status. The judge has the authority to decide whether the deed is still recognized

as an authentic deed, or if it is proven invalid, then the deed can be downgraded to an ordinary deed (under hand) or even canceled through a court decision.

In making a deed, a notary must be careful and follow all the procedures and conditions specified in making the deed to reduce the possibility of disputes in the future regarding the deed made, because if you are not careful or do not follow the existing conditions and procedures, the deed will be able to have all defects that can make the deed degraded in strength or can be canceled by the deed. court decision. If an incident like the above occurs, it is an incident caused by a lack of professional proficiency from the notary himself, such as the inclusion of the wrong identity of the parties or other things that result in the defect of the authentic deed made by the notary.

The legal implications related to the invalidity and cancellation of notarial deeds based on the Notary Position Law are as follows:

a. Notary Deed Can Be Cancelled

Cancellation of notarial deeds provides legal protection against actions that do not meet formal requirements or contain fundamental errors. When there are parties who feel aggrieved or there is a violation of the law, they have the right to request cancellation. Once canceled, the deed no longer has legal force, as if the actions listed in the deed never had legal effect since the cancellation. The decision to cancel or validate the legal action depends on certain authorized parties, who have the right to determine whether the legal action will be canceled or still considered valid.

b. Notary Deed Null and Void

If a notarial deed does not fulfill the objective elements in an agreement, then the deed can be considered null and void. Null and void is a sanction in civil law for a legal action that contains a juridical defect, so that the legal action has no legal effect from the start or is considered invalid from the moment the deed is signed. Thus, the legal action stated in the deed is considered as if it never happened.

Based on the description above, it is clear that an authentic kta is a deed made before an authorized official (such as a notary) and is considered true until proven otherwise. However, if there is a party who claims that the deed is fake, then various serious legal implications will arise. The legal implications in question are:

a. Document forgery:

- 1) Criminal offense: forgery of an authentic deed is a criminal offense that can be charged with imprisonment and fines.

2) Criminal process: the party who declares the deed is fake can report this case to the police for investigation and investigation.

3) Proof: the party accusing the accuser must prove his or her allegations with strong and convincing evidence.

b. Cancellation of deed:

1) Invalid: if the deed is declared false by the court, then the deed is void and has no legal force.

2) Legal consequences: All legal acts based on a false deed become invalid. For example, if the sale and purchase deed is declared to be false, then the sale and purchase is void and the object of sale must be returned to the original owner.

c. Civil liability:

1) Civil lawsuit: a party aggrieved by forgery of a deed can file a civil lawsuit to seek compensation for the losses suffered.

2) Liability: parties involved in the forgery of deeds can be sued for civil damages.

d. Administrative Sanksi:

Notary: if a notary is found to be involved in forgery of deeds, then he or she may be subject to administrative sanctions by the notary organization or even have his license to practice revoked.

To be able to declare a deed as false, the following elements must be proven:

a. Making a fake deed: the act of making a deed whose contents are not in accordance with the truth.

b. Intent to forge: the existence of malicious intent from the perpetrator to deceive or harm others.

c. Use of fake deeds: the fake deeds are used for certain purposes, for example to make transactions or control other people's property.

In the case of forgery of deeds, evidence is very important. Some types of evidence that are often used include :

a. Expert expertise: Expert testimony, such as a graphologist or document expert, can be used to analyze the authenticity of a signature or the physical characteristics of a document.

- b. Witness: the testimony of witnesses who know the process of making or using the deed can be strong evidence.
- c. Supporting documents: other documents related to the deed in question may be used as additional evidence.

Overall, the results of this study indicate that the actions of a Notary who commits violations in the preparation of authentic deeds, especially if the deed contains false information, have significant legal implications, including potential civil, ethical, and criminal sanctions. Although the Notary Position Law does not explicitly regulate criminal sanctions, these sanctions can be applied if the Notary's actions meet the elements of a criminal offense according to the Criminal Code. An authentic deed proven to contain false information through a court decision becomes null and void and is downgraded to a private deed. Thus, a falsified notarial deed remains valid and serves as perfect evidence until annulled by a court decision, which can also result in the imposition of criminal sanctions, as in the case of Decision Number 2370/Pid. B/2021/PN. Sby, where the Notary was sentenced to one year in prison.

4. Conclusion

Based on the above description, it can be concluded that a notary is responsible for his/her actions while performing his/her duties and positions, especially if the actions fulfill the elements of a criminal offense according to the Criminal Code. In addition to criminal offenses, a notary may also be subject to civil sanctions and ethical sanctions if he/she violates the provisions in the Code of Ethics of the Notary Office, the Notary Office Law (UUJN), or other regulations. If an authentic deed is made with deliberately false information, then according to a court decision, the deed becomes null and void and is downgraded from an authentic deed to a deed under hand. In the case of a falsified authentic deed, the deed still has legal force as long as there has been no annulment. In principle, a notarial deed is considered valid until proven otherwise, and to declare the deed invalid requires a court decision canceling it. In addition, regarding criminal offenses by notaries in "Decision Number 2370/Pid. B/2021/PN. Sby", the implication is a one-year prison sentence.

The strength of this research lies in the tools used, which include the analysis of legislation, the study of the code of ethics, and the case study of Decision Number 2370/Pid.B/2021/PN. Sby, providing a comprehensive understanding of the sanctions that can be imposed on notaries and the legal implications of forged authentic deeds. However, the weakness of this research is the limitation on case data, which only uses one court decision, so the results may not represent the various cases of notarial deed forgery in different regions. Recommendations for future research include expanding the data by analyzing other relevant court decisions and conducting interviews with legal practitioners

or notaries to gain direct perspectives on the impact of document forgery in notarial practice in the field.

5. References

- A. Gunawan Setiaraja, (2000). *Hukum dan Moral Dalam Pembangunan Masyarakat Indonesia*, Yogyakarta: Kamisus,
- Abdul Ghofur Anshori, (2009). Lembaga Kenotariatan Indonesia, Perspektif Hukum dan Etik, Yogyakarta: UII Press,
- Ali Zidin, (2015). *Menuju Pembaruan Hukum Pidana*, Jakarta: Sinar Grafika ,
- Dwidja Priyatno, (2004). *Kebijakan Legislasi tentang Sistem Pertanggungjawaban Pidana Korporasi di Indonesia*, Bandung: Utomo,
- Habib Adjie, (2014). *Hukum Notaris Indonesia (Tafsir Tematik Terhadap UU No.30 Tahun 2004 Tentang Jabatan Notaris)*, Cetakan Keempat, Bandung: Refika Aditama,
- Herlien Budiono, (2008). *Kumpulan Tulisan Hukum Perdata di Bidang Kenotariatan*, Bandung: Citra Aditya Bakti,
- Kunni Afifah, (2017). "Tanggung Jawab dan Perlindungan Hukum bagi Notaris secara Perdata Terhadap Akta yang Dibuatnya", *Jurnal Lex Reanaisance*, Vol. 2 No. 1,
- Luthfan Hadi Darus, (2017). *Hukum Notariat dan Tanggungjawab Jabatan Notaris, Cetakan Pertama*, Yogyakarta: UII Press,
- Peter Mahmud Marzuki, (2011). *Penelitian Hukum*, Jakarta: Kencana Prenada Media Group,
- Roni Hanitijo Sumitro, (2010). *Metodologi Penelitian Hukum*, Jakarta: Ghalia,
- Sri Yuniati, and Sri Endah Wahyuningsih. "Mekanisme Pemberian Sanksi Terhadap Notaris Yang Melakukan Pelanggaran Kode Etik Jabatan Notaris." *Jurnal Akta*, Vol. 4 No. 4, p. 586
- Sudikno Mertokusumo, (2006), *Hukum Acara Perdata Indonesia*, Yogyakarta: Liberty.