

Liability of a Notary Who Intentionally Include False Information in an Authentic Deed

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Abstract. *A notary is a public official who is trusted by the public to make authentic deeds. The authentic deed is used as evidence, an authentic deed regarding all acts, agreements, and determinations required by laws and regulations or desired by the interested party. The notary is obliged to ensure that what is contained in the deed has been truly understood and is in accordance with the wishes of the parties, namely by reading it, so that the contents of the deed become clear and provide access to related information for the parties in signing the deed. The reality in society is that many parties are found to provide data and information that does not correspond to the reality to the notary in making a deed. The theories used in this study are the Theory of Legal Certainty, Theory of Legal Responsibility, and Theory of the Working of Law. To find out the above objectives, the author uses normative juridical legal research. Data sources are obtained through several stages, namely library research. Data analysis is qualitative and presented descriptively, namely explaining, describing, and describing according to the problems that are closely related to this study. Based on the research results, it was concluded that, first, the birth of a Notary's responsibility cannot be separated from the obligations and authorities held. A Notary is charged with responsibility for the formal and material truth of the deed he made if the Notary is proven in court that the Notary committed negligence or intentional acts to the detriment of the parties. Second, an authentic Deed as evidence in this proof is needed to provide clarity and legal certainty regarding events, circumstances, or legal acts that can be carried out through the making of a deed before a Notary. A deed can be canceled. This must first be ratified or a court decision stating that the deed is void and its legal consequences will apply since the ratification or court decision cancels the deed.*

Keywords: *Authentic; Certainty; Legal; Notary.*

1. Introduction

Law is an inseparable part of human society so that in society there is always a legal system, there is a society there are legal norms (*ubi societas ibi ius*). This is meant by Cicero that the legal system must refer to respect and protection for the dignity of human beings. The law seeks to maintain and regulate the balance between the interests or desires of selfish individuals and common interests so that there is no conflict. The presence of law actually wants to uphold the balance of treatment between individual rights and common rights. Therefore, in essence the law must be certain and fair so that it can function properly.¹

The Republic of Indonesia as a country of law guarantees certainty, order and legal protection for every citizen. To guarantee order and legal protection, authentic written evidence is needed regarding actions, agreements, determinations and legal events made before or by authorized officials. Notary officials in making authentic written evidence regarding conditions, events or legal acts carried out through certain positions are needed to guarantee such legal protection.²

The position of Notary was born because the community needed it, not a position that was deliberately created and then socialized to the public. This Notary position is not placed in the judiciary, executive or judicial institutions because Notaries are expected to have a neutral position. The position of Notary is held or its presence is required by legal regulations with the intention of helping and serving the community who need authentic written evidence regarding circumstances, events or legal acts.

A notary is a public official who is trusted by the public to make authentic deeds. The authentic deed is used as evidence, an authentic deed regarding all acts, agreements, and determinations required by laws and regulations or desired by the interested party to be stated in an Authentic Deed. A notary is a public official who has the duty and obligation to provide legal services and consultations to the public. Notaries are presented to serve the legal interests of the public who need evidence in the form of an authentic deed according to the request of the person concerned to the Notary, so that without the public who need a Notary, the Notary is useless.³

Article 1 number 1 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (hereinafter referred to as

¹Siregar, RJ, Simamora, SF, Gultom, MH, & Situmorang, S., 2024, Restorative Approach in the Criminal System in Indonesia. *Community Development Journal: Journal of Community Service*, Vol.5 No.4, 6895-6904

²Valentine Phebe Mowoka, 2014, Implementation of Notary's Responsibility for the Deeds He Makes, *Lex et Societatis*, Vol.II No.4, p. 61.

³Habib Adji, 2010, Supervisory Board of Notaries as State Administrative Officials, Refika Aditama, Surabaya, p. 7.

UUJN) states that a Notary is a public official who is authorized to make authentic deeds and has other authorities as referred to in this law or based on other laws.

An authentic deed is used as strong evidence, so that several actions that are considered very important require the creation of a deed. As in the legal system of evidence, the evidence that has the strongest evidentiary power in civil cases is written evidence, in accordance with the order in the Civil Code, namely: "written evidence, evidence with witnesses, allegations, confessions and oaths."

The notary is obliged to ensure that what is contained in the deed has been truly understood and is in accordance with the wishes of the parties, namely by reading it, so that the contents of the deed are clear and provide access to information, such as related laws and regulations for the parties in signing the deed.⁴Notaries act impartially and independently, as stated in Article 16 paragraph (1) letter a of the Notary Law, which states that "In carrying out their position, notaries are obliged to act in a trustworthy, honest, fair, independent, impartial manner and to safeguard the interests of the parties involved in legal acts."

The law regulates in detail regarding the making of deeds, prohibitions, obligations in carrying out notary duties and sanctions that will be obtained if the Notary is proven to have violated the Notary's code of ethics. Notaries can receive civil or criminal penalties, depending on what mistakes have been made by the Notary. Many Notaries, while carrying out their duties, commit negligence.⁵

The reality in society is that many parties are found to provide data and information that is not in accordance with the reality to a Notary in making a deed. The task of a Notary is to pour out the data, information and statements provided by the parties.⁶As we all know, Notaries do not have the authority to conduct investigations or seek material truth from data and information provided by the parties (applicants). This has an impact on the deeds they make which later become problematic. Problems arise in terms of the form of Notary's accountability for the process of making Authentic Deeds whose data and information are falsified by the parties.

UUJN does not regulate the criminal liability of a Notary from a deed that has been made based on data and information falsified by the parties. So that there is a vacuum of legal norms in UUJN relating to the responsibility of a Notary in making a deed based on data and information falsified by the parties. False statements from the parties that can make the Authentic Deed become a legal problem in the future for the Notary and for the interested parties.

⁴Herlin Budiono, 2018, Collection of Civil Law Writings in the Notary Sector, Citra Aditya, Bandung, p. 22.

⁵Pratiwi Ayuningtyas, 2020, Sanctions Against Notaries Who Violate the Code of Ethics, Scientific Journal of Notary Law, Vol. 9 No. 2, p. 100

⁶Tan Thong Kie, 2000, Study Notary, All About Notary Practice, Ichtar Baru Van Hoeve, Jakarta, p. 159.

As we know, a Notary is fully responsible for the deed he/she makes, the contents of the deed are the will of the parties, however, it does not rule out the possibility of errors in the deed, therefore the Notary must ensure the identities of the parties and the relevant witnesses in order to avoid any information and forgery in the deed which could have an impact on the Notary himself/herself.

2. Research Methods

This legal writer uses a normative legal research method, namely research that examines and is guided by various applicable laws and regulations. Normative legal research is legal research that is influenced by pure and positive legal doctrine.⁷The method used in this research is a qualitative approach method, which is research to explore and understand the meaning that a number of individuals or groups of people consider to originate from social or humanitarian problems.

In this study, the case study research method used. Providing a review that cases are a more suitable strategy when the main question of a study, when the researcher has little opportunity to control the events to be investigated, and when the focus of the research lies in current phenomena in the context of real life.⁸

The type of data source used in this study is secondary data, which is data obtained through literature, by reviewing literature books, laws, brochures/writings that are related to the problem being studied.

The data that has been collected from library research will be analyzed using qualitative methods to form logical and systematic legal arguments in accordance with the formulation of the problem that has been formulated.

3. Results and Discussion

3.1. Legal Liability of Notaries Who Intentionally Include False Information in Authentic Deeds

Based on the theory of legal responsibility and related to the position of Notary, a notary must bear responsibility for every job given to him by the client, because every job will always be followed by things that must be accounted for. In this case, the notary must also be responsible for the mistakes and negligence he makes in carrying out his duties and position, if in making the authentic deed there is an element of forgery of the letter in it which results in losses for other parties.

The legal responsibility of a notary in this case can be requested through three legal options, namely administrative legal responsibility where the notary must cancel the forged deed so that the deed no longer has binding force for the parties.

⁷M. Zainuddin, & Karina, A. D, 2023, Use of Normative Juridical Methods in Proving Truth in Legal Research, *Smart Law Journal*, 2(2), p. 114-123.

⁸Robert K. Yin, 2008, in his book entitled *Case Studies, Design & Methods*, 1st Edition, 12th printing, Raja Grafindo Persada, Jakarta, p. 37

Administratively, the notary can also be subject to administrative sanctions by the Notary Honorary Council if the notary is proven to have violated the code of ethics or violated the notary's position, where the notary can be subject to sanctions in the form of reprimands, temporary suspension, and dismissal from notary membership.⁹

Notaries can also be held civilly liable where the notary must compensate for the losses incurred due to the forgery he/she committed. Specifically, this decision does not contain a ruling regarding compensation for losses due to the criminal act of forgery, but the author is of the opinion that there are still ways for the injured party to receive compensation, namely by filing a lawsuit for cancellation of the deed along with a request for compensation.

In Article 84 it is stated that there are 2 (two) types of civil sanctions, if a notary commits an act of violation against certain articles and also sanctions of the same type are spread across other articles, namely:

- a. Notarial deed which has the power of proof as a private deed; And
- b. The notarial deed becomes null and void by law.

As a result of such a notarial deed, it can become a reason for the party who suffers a loss to demand reimbursement of costs, damages and interest from the notary.

Code of Ethics Sanctions are formal and written sanctions. These sanctions are regulated in the notary's code of ethics and can be imposed by professional organizations such as the Indonesian Notary Association (INI) or by the Notary Supervisory Board. The code of ethics sanctions that can be imposed based on Article 6 of the notary's code of ethics include:

- 1) Sanctions imposed on members who violate the code of ethics may include:
 - a. Reprimand: A written warning for a violation committed.
 - b. Warning: A warning that is more serious than a reprimand.
 - c. Suspension of Membership: The notary is temporarily unable to carry out his duties as a notary.
 - d. Termination of Membership: The notary is removed from membership of the professional organization.
- 2) The imposition of sanctions as outlined above against members who violate the code of ethics is adjusted to the quantity and quality of the violations committed by the member.

⁹Pratiwi Ayuningtyas, Loc, Cit, p. 102

- 3) The central honorary council has the authority to decide and impose sanctions against violations committed by ordinary members (active notaries) of the association, against acts that could reduce public trust in notaries.
- 4) Violations of the Code of Ethics committed by other people (who are currently holding the position of Notary) may result in sanctions in the form of reprimands and/or warnings.
- 5) The decision of the Honorary Council in the form of a reprimand or warning cannot be appealed.
- 6) The decision of the Regional Honorary Council/Provincial Honorary Council in the form of temporary suspension or honorable dismissal or dishonorable dismissal from membership of the Association may be appealed to the Central Honorary Council.
- 7) The decision of the Central Honorary Council of the first level in the form of temporary suspension or honorable dismissal or dishonorable dismissal from membership of the Association may be appealed to the Congress.
- 8) The Central Honorary Council also has the authority to provide recommendations and proposals for dismissal as a notary to the Minister of Law and Human Rights of the Republic of Indonesia.

This code of ethics sanction has more serious consequences than moral sanctions because it can have a direct impact on the Notary's ability to carry out his profession.

Notaries can also be held criminally responsible where the notary must be held criminally responsible for his actions either in the form of imprisonment or a fine. This criminal responsibility should make other notaries carry out the making of authentic deeds carefully and in accordance with applicable laws.

A criminal act is a prohibition against an act that is prohibited by law, which is followed by a threat (sanction) in the form of a crime of a certain magnitude against the person who violates the prohibition.¹⁰ While another definition of a criminal act is if an act is prohibited by applicable law and is threatened with a criminal penalty, it must be remembered that if the prohibition is for that act, then the person responsible for the incident will be threatened with a criminal penalty. There is a solid relationship between the prohibition and the threat, this is also due to the close relationship between the incident and the person who caused it, so that the two cannot be separated.

Criminal liability is an element that helps determine a crime committed by a person. So a person does not have to be immediately sentenced to a criminal

¹⁰Henny Nuraeny, 2022, The crime of human trafficking, criminal law policy and its prevention. Sinar Grafika, Jakarta, p.38

sentence if he commits a crime. Criminal liability must be present in order to be able to impose a criminal sentence on a person. The liability referred to in this Criminal Code will be present with a factual reproach (*verwijbaarheid*) based on applicable Criminal Law that can state it as a Criminal Act, and subjectively assessed that a person who commits a Criminal Act has met the requirements of a Criminal Act because of their actions.

Notaries can be involved in criminal liability cases and can even be held criminally responsible if they violate what is legally prohibited. This also applies if the person who made the mistake has the ability to take responsibility, so that there is a relationship between the person who made the mistake and his intentional actions so that there is no evidence that he can be forgiven and his mistake erased.

When associated with a Notary who is asked to be responsible, a question arises, namely in what way will a Notary who makes a Deed based on false information be asked to be held criminally responsible. The applicable regulations must be the reference for answering this question. A Notary can be asked to be held criminally responsible if he makes a Deed based on false information, including in other relevant laws, namely Article 264 paragraph (1) of the Criminal Code. While Notaries who commit Criminal Acts are not regulated in the UUJN.

Notaries are required to fulfill the following elements in order to be held criminally responsible:

- 1) A Notary who behaves in a Criminal Act. The emergence of a Notarial Deed based on false information is the cause of suspicion that the Notary has committed a Criminal Act. A Notary will be responsible because according to Criminal law he has committed a Criminal Act;
- 2) A Notary who can be held accountable. He must be able to be held accountable under Criminal law. As mentioned above, the ability to be held accountable is a condition for there to be an error. The mental state of the perpetrator is the determining factor in this case, where the mental state is the basis for imposing a Criminal sentence. So that someone who is considered responsible can be held accountable under Criminal law. Notaries also apply to this provision, so that if a Notary has the ability to be held accountable, he will be held accountable for Criminal Acts, and if he has the will and interest in the realization of the Criminal Act;
- 3) Notary makes a mistake intentionally or negligently. Intentionally. Intention can be an element of the Criminal treatment of Notaries in making a Deed based on false information. A Notary must at least intentionally or negligently have an error in order to be held criminally responsible. So that the Notary can intentionally participate in making a Deed based on false information. However, there is a question regarding the mental attitude that leads to this Criminal Act. Like a Notary who has the desire to commit a Criminal Act (forgery) where he is aware of his

despicable actions and is detrimental to other parties so that this Notary's treatment must be proven. (conscious negligence). Notaries can also be negligent in making Notarial Deeds, such as not carefully examining the evidence seen by the Court or not responding carefully to information provided by the Court;

4) Notaries who commit criminal acts have no reason to be forgiven.

If there is no excuse, the Notary can be held accountable. If in such circumstances the Notary is suspected of acting on the basis of false information given by the Court, and the Notary has no excuse, then the Criminal Law can hold the Notary accountable.

In order for the Notary and the parties to avoid all risks in the form of sanctions or cancellation of the Authentic Deed, in the process of making an Authentic Deed before a Notary, the Notary and the parties must implement the principle of caution by being more careful and having good intentions in making the Authentic Deed and complying with applicable legal provisions and based on morals and ethics.

Notaries and parties in order to avoid all risks in the form of sanctions or cancellation of Authentic Deeds, then in the process of making Authentic Deeds before a Notary, the Notary and the parties must implement the principle of caution by being more careful and having good faith in making Authentic Deeds and complying with applicable legal provisions and based on morals and ethics. This method is one way to apply the principle of caution in getting to know the parties. If the party facing is not the party appearing according to the Resident Identity Card, then it will be seen physically and behaviorally that can be seen directly there are irregularities and differences. Knowledge, Integrity and Professionalism are things that a Notary must have, a Notary must understand all legal actions desired by the parties appearing. Having the ability and knowledge in the field of law, when a Notary does not understand the legal actions that the parties will want, then the Notary does not understand the knowledge that he must have. If the Notary has the ability in terms of legal actions desired by the parties appearing, it will minimize the risk of loss and disputes that will be experienced by the parties appearing or the Notary himself.

Violations related to the position of Notary are not directly regulated by the UUJN, resulting in there being no basis for provisions in the UUJN to hold Notaries accountable for Criminal Acts. According to Article 263 paragraph (1) of the Criminal Code, if a Notary negligently or intentionally makes a Deed of the relevant party or Deed of the relevant party (Partije akten), then the Deed is a Deed made based on the Notary's view in order to be able to damage the party, then this can make the Notary held criminally accountable. However, these cases also require attention to the function and authority of a Notary based on the UUJN, a state official who is interested in using correct behavior as evidence to ensure legal certainty. In order to be held criminally accountable, a Notary must determine the

elements that must be met; facing a Criminal Act, can be held accountable; intentionally or negligently; and there is no reason.

When a Notary is later found to have committed a violation in carrying out his duties which results in the imposition of sanctions, then this must be implemented firmly and every legal regulation in force in Indonesia always has sanctions at the end of the legal regulation. Because sanctions are an important closing part of the law. Such a situation is often said, that in the tail there is poison or in *cauda venenum*. The existence of these sanctions is intended so that the notary can act correctly so that the notary's product is an authentic deed that can provide protection and certainty to the parties who need it.

3.2. Legal Consequences of Authentic Deeds Made by Notaries Who Intentionally Include False Information

Authentic deeds as the strongest and most fulfilled evidence have an important role in every legal relationship in the life of society. In various business relationships, activities in the fields of banking, land, social activities, and others, the need for written evidence in the form of authentic deeds is increasing in line with the growing demand for legal certainty in various economic and social relations, both at the national, regional, and global levels.

With the existence of an authentic deed that clearly determines the rights and obligations of each party, it is expected to be able to guarantee legal certainty and at the same time it is also expected to be able to avoid disputes. Or if the dispute can no longer be avoided, it is expected that an authentic deed which is the strongest and most complete written evidence will provide a real contribution to the resolution of cases cheaply and quickly.

In order to guarantee legal certainty, authentic written evidence is required regarding circumstances, events or legal acts which can be obtained by making a deed before a public official, namely a notary.¹¹This is in accordance with the formulation of Article 1868 which states that: "an authentic deed is a deed made in a form determined by law by or before a public official who is authorized to do so at the place where the deed is made."

According to Habib Adjie, Article 1868 of the Civil Code provides limitations on the elements referred to in an authentic deed:¹²

- 1) The deed must be made by (door) or in the presence (*ten overstaan*) of a Public Official;
- 2) The deed must be drawn up in the form prescribed by law;

¹¹Utomo, Hatta Isnaini Wahyu, 2019, *Understanding the Implementation of the Duties of a Land Deed Making Official*, Phoenix Publisher, Yogyakarta, p.41

¹²Habib Adjie, 2011, *Cancellation and Revocation of Notarial Deeds*, Refika Aditama, Bandung, p.33

3) The Public Servant (General Official) by or in front of whom the deed is made must have the authority to make the deed.

A deed made by a Notary can be a legal basis for the status of a person's property, rights, and obligations. Mistakes in a deed made by a Notary can result in the revocation of a person's rights or the burdening of a person with an obligation. An authentic deed essentially contains formal truth in accordance with what the parties have notified the Notary. However, the Notary has an obligation to include that what is contained in the Notarial Deed has been truly understood and is in accordance with the wishes of the parties, namely by reading it so that the contents of the Notarial Deed are clear, and providing access to information, including access to related laws and regulations for the parties signing the deed.

This Notarial Deed is made with the intention of being used as evidence. Evidence in this proof is needed to provide clarity and legal certainty regarding events, circumstances, or legal acts that can be carried out through the making of a deed before a Notary. Article 1868 of the Civil Code states that the evidence can be in the form of:

- a. Written evidence, which can be in the form of authentic writing or handwritten writing;
- b. Evidence with witnesses;
- c. Suspicions;
- d. Confession;
- e. Oath.

A Notarial Deed as evidence that has perfect evidentiary power must be made as truthfully and clearly as possible. This Notarial Deed then provides a guarantee of certainty and legal protection for the legal actions of those facing it. For parties who appear before a Notary, the authenticity of the deed made by the Notary basically has 3 (three) functions, namely:

- a. Used as evidence that the party appearing before the notary has made a certain agreement;
- b. Used to show that the provisions in the notarial deed reflect the wishes or desires of the party appearing before the notary; and
- c. Serves as evidence to third parties that on the date stated in the agreement, the parties have actually appeared before a notary to make an agreement and the contents of the agreement are in accordance with the wishes of the parties.

In the process of making a Notarial deed, of course, the parties are not allowed to state a false condition, either in the form of false information or using a false identity. The inclusion of the identities of the parties in making this Notarial deed

is not simply included by the Notary, but the Notary must ask for proof in the form of an Identity Card (KTP) or Family Card (KK) to prove and match that the parties are in accordance with those listed in the official document. This is done to prevent falsification of identities against deeds made by Notaries. However, at this time, crimes that are developing in society continue to increase, resulting in many legal loopholes. This is what often causes parties who appear before a Notary to use false identities to gain profit alone. In addition, this is also supported by the increasing number of Notaries in society, so this is also what causes Notaries in carrying out their duties often to be careless and not thorough in making deeds.

The parties who appear before a Notary using a false identity, then regarding the truth of the identity is not the Notary's responsibility, because in essence the Notary only lists what is desired and conveyed by the parties alone. The issue of proving whether the identity attached and shown to the Notary such as KTP and KK, is not the Notary's authority. Even in the UUJN it is also stated that the Notary has an obligation to trace or further examine the truth of the material submitted by the people who appear before him. The Notary is only authorized to ensure that the party who appears before him matches the identity on the KTP or KK, regardless of whether it is fake or not.

Notaries cannot automatically decide on their own regarding the validity of their deeds that contain false identities of the parties. In this case, an investigation must be carried out first and the judge in court is the one who has the authority to determine and decide whether the notarial deed is degraded to a private deed or the deed can be canceled or the deed is null and void. A deed can be canceled, this must first have a ratification or decision from the court stating that the deed is null and void and its legal consequences will apply since the ratification or decision of the court cancels the deed. Meanwhile, for null and void, this means that the deed is declared to have never existed at all or returns to its original state. The imposition of null and void does not require prior ratification or decision from the court.

The existence of cases related to the parties using false identities in authentic deeds made by this Notary, then the Notary in carrying out his duties and positions must apply the principle of caution. The principle of caution in this Notary is interpreted as the Notary must act carefully. The implementation of the principle of caution can be done in the following ways:

- a. Carrying out introduction or identification of the person appearing based on their identity shown to the Notary;
- b. Asking, listening, and considering the wishes or desires of the parties;
- c. Examine and examine documentary evidence relating to the wishes or desires of the parties;

- d. Provide suggestions and create deed frameworks to fulfill the wishes or desires of the parties;
- e. Complete all administrative techniques for making notarial deeds; and
- f. Carry out other obligations related to carrying out the duties of the Notary position in making deeds.

The principle of *presumptio iustae causa* or the principle of presumption of validity can be used to assess a Notarial deed, namely a Notarial deed must be considered valid until a party declares that the deed is invalid. To declare or judge the deed invalid, a lawsuit must be filed with the District Court. During and throughout the lawsuit until there is a court decision that has permanent legal force, the Notarial deed remains valid and binds the parties or anyone interested in the deed.

Applying the principle of presumption of validity for Notarial deeds, the provisions contained in Article 84 of the UUJN apply, namely that the deed in question only has the power of proof as a private deed is no longer required, so that the nullity of a Notarial deed is only in the form of being able to be cancelled or cancelled by law.

The principle of presumption of validity of a Notarial deed relating to a cancelled deed is an act containing defects, namely the Notary's lack of authority to make the deed in an external, formal and material manner, and does not comply with the legal regulations regarding the making of Notarial deeds.

This principle cannot be used to assess a notarial deed as null and void by law, because a notarial deed is deemed never to have been made for certain reasons as stated above, so the position of a notarial deed is:

- a. Can be canceled;
- b. Null and void;
- c. Has provisions for proof as a private deed;
- d. Canceled by the parties themselves; And
- e. Canceled by a court decision that has permanent legal force due to the application of the presumption of legality principle.

Notaries in carrying out their duties and positions must also uphold the principle of professionalism. This professionalism requires that Notaries must have sufficient knowledge, experience, and intelligence in analyzing a problem and be sensitive to reading situations, careful and fast in making and taking the best decisions. Then, this professionalism also means that Notaries must have the ability to anticipate all difficulties that occur and have an independent attitude based on confidence in personal abilities and be open to listening to and respecting the opinions of others.

4. Conclusion

Legal liability of a Notary who intentionally includes false information in an authentic deed can be requested through three legal options, namely administrative legal liability, civil legal liability and criminal legal liability. Criminal liability is an element that helps determine the criminal act committed by a Notary, a Notary can be involved in a criminal liability case and he can even be held criminally responsible if he violates what according to the law includes prohibited elements. A Notary who is asked to be criminally responsible if he makes a deed based on false information included in the Law in Article 264 paragraph (1) of the Criminal Code, while a notary who does not commit a criminal act is not regulated in the UUJN. An authentic deed is the strongest evidence and has an important role in every legal relationship, with the existence of an authentic deed clearly determining the rights and obligations of each party. This is also explained in Article 1868 of the Civil Code which states "an authentic deed is a deed made in the form determined by law by or before a public official who is authorized to do so". Errors in the deed made by a Notary can result in the revocation of a person's rights or the burden of a person with an obligation. The principle of presumption of validity can be used to assess a Notarial deed, namely a Notarial deed must be considered valid until a party states that the deed is invalid.

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