

## Effectiveness of Regional Supervisory Boards In Supervision and Guidance of The Code of Ethics For Notaries In Pekanbaru City

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**Abstract.** Article 70 and 71 of the Notary Law (UUJN) authorizes the Regional Supervisory Council (MPD) to supervise the implementation of the duties and authorities of Notaries, including holding hearings for violations of the code of ethics, examining protocols, granting leave permits, appointing substitute Notaries, and receiving reports of violations. This study aims to analyze: 1) The effectiveness of the Regional Supervisory Council (MPD) of Pekanbaru City in carrying out its supervisory and development functions for Notaries has not been effective. 2) What obstacles are faced by the Regional Supervisory Council (MPD) in carrying out its duties and authorities in Pekanbaru City. The approach method in this study is the Structural approach and economic analysis of law. This type of research uses empirical law. The types and sources of data in this study are primary data obtained through interviews and observations. The analysis in this study is descriptive qualitative. The results of the study indicate that the Regional Supervisory Council (MPD) has played an active role in following up on public complaints and carrying out its functions in accordance with legal provisions, but the effectiveness of the implementation of MPD supervision has not been optimal because it faces several obstacles such as reporting mechanisms, limited human resources, inconsistent sanctions and social barriers between Notaries, to increase the effectiveness of MPD supervision it is recommended to develop a more transparent and easily accessible reporting system, and strengthen direct supervision through routine inspections. In addition, the application of stricter and more consistent sanctions against violations committed by Notaries must be enforced fairly and effectively.

**Keywords:** Effectiveness; Code of Ethics; Guidance; Notary; Regional Supervisory Board; Supervision.

## 1. Introduction

The Notary profession has an important role in life in Indonesia, especially in providing legal services to the community related to authentic deeds and agreements that require legal approval. As a public official appointed by the government, a Notary must work with high ethical and professional standards to maintain public trust and prevent irregularities (Indonesian Notary Association, 2019).

Notaries as public officials who are authorized to make authentic deeds play an important role in maintaining legal certainty in society. As regulated in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notaries (UUJN), Notaries have significant authority in preparing legal documents required by the community, such as deeds of agreement, banking transactions, and land.<sup>1</sup>This function is not only administrative but also provides a guarantee of legal protection that is relied on by the community for various civil interests. In the context of social life, Notaries often provide legal advice and analysis related to the deeds they make, so their role in ensuring legal certainty is very important.<sup>2</sup>

Notary is a public official who is authorized to make authentic deeds and other authorities as referred to in this Law. In order to maintain the integrity of the Notary profession, strict supervision is needed which is not only administrative in nature but also here the role of the Notary Supervisory and Development Council (MPPN) becomes very crucial, because this institution is responsible for supervising the performance and behavior of Notaries including the implementation of the Notary code of ethics.<sup>3</sup>As regulated in Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Position of Notary, Article 1 Paragraph (6) states that the Notary Supervisory Board as a body that has the authority and obligation to carry out guidance and supervision of Notaries. The position of Notary is an institution created by the state. Placing a Notary as a position is a field of work or task that is deliberately made a legal rule for certain needs and functions (certain authorities) and is continuous as a permanent work environment.<sup>4</sup>The duties of a notary include:<sup>5</sup>

### 1. Making an Authentic Deed.

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<sup>1</sup>Law of the Republic of Indonesia Number 2 of 2014 concerning the Position of Notary, 2014, Secretary of State of the Republic of Indonesia, Jakarta, Page 56.

<sup>2</sup>Suharjo S. 2021, Supervision and Development of Notaries in Indonesia, Mandiri, Bandung, p. 57.

<sup>3</sup>Fajar, M, 2020, Legal Theory and Legal Research, Atmajaya University, Yogyakarta, p. 54.

<sup>4</sup>Denny Saputra and Sri Endah Wahyuni, 2017, The Principle of Caution for Notaries/PPAT in Carrying Out Their Duties and Functions in Efforts to Prevent Criminalization Based on the Code of Ethics, Jurnal Akta, Vol. 4, No. 3, page 348.

<sup>5</sup>Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN).

2. Record and save the documents created.
3. Prepare the Deed in the presence of the parties concerned.
4. Providing Legal Advice.
5. Carry out other duties based on statutory regulations.

Notaries also have their own authorities, including:

1. Validate the signature and establish the certainty of the date of the letter.
2. Storing letters or other documents.
3. Issue a copy or extract of the Deed.
4. Making deeds related to Civil Law.
5. Perform Document Legalization.
6. Act as a witness.

The Notary Code of Ethics is a moral rule determined by the Notary professional organization, namely the Indonesian Notary Association, which must be obeyed by all members of the association who carry out the duties of a Notary. All limitations of people, especially those who have a profession as a Notary, cause deviations or violations of legal and social rules that can cause disorder and instability in society in general and the Notary professional environment in particular. To restore this disorder and instability, a Notary Code of Ethics and supporting facilities are needed, namely state organizations and professional organizations.<sup>6</sup>

The Notary Code of Ethics is established and enforced by a professional organization, the Indonesian Notary Association (INI), and applies to all Notaries who are its members. However, the principles of the code of ethics are also taken into consideration in supervision by official state institutions such as the Regional Supervisory Council (MPD). A set of written standards, principles, and guidelines that help professionals decide what is and is not appropriate is called a professional code of ethics. To ensure that they provide the best service to clients or the public, this code of ethics sets out rules about what professionals should and should not do. In addition, this code of ethics prohibits unethical behavior.<sup>7</sup>

The Notary Code of Ethics serves as a guideline for behavior in carrying out the profession and is the basis for assessing whether a Notary has acted in

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<sup>6</sup> GHS Lumban Tobing, 1999, Notary Regulations (notaris Reglement), Fifth Edition, Erlangga, Jakarta, p. 33.

<sup>7</sup> Isnanto, RR 2009, Textbook of professional ethics, Computer Study Program, Diponegoro University, Semarang, page 5.

accordance with the dignity of his position. The existence of this code of ethics is important to prevent abuse of authority, conflicts of interest, or actions that are detrimental to society. The Indonesian Notary Association developed a set of moral principles known as the Indonesian Notary Code of Ethics, which is based on the 2015 Indonesian Notary Code of Ethics. Every member is required to comply with this code of ethics in their daily activities and in carrying out their responsibilities. Notaries must maintain the dignity of the profession and respect human rights in general and act with justice, independence, and impartiality. Notaries must also be rational and prioritize solidarity with fellow professionals.<sup>8</sup>Notaries play an important role in producing unique documents with perfect legal evidentiary power as a profession that has authority in the field of private law. Notaries must act appropriately, professionally, and in accordance with the applicable code of ethics because they are in a position of trust.

Violations of the Notary code of ethics can be handled by two main channels, namely professional organizations and formal supervisory institutions, the Honorary Council of the Indonesian Notary Association (DK INI). The internal institutions of the INI organization that handle ethical violations, Regional Level Regional Honorary Council (DKD), Regional Level Regional Honorary Council (DKW), Central Level Central Honorary Council (DKP).

The Regional Supervisory Council (MPD) is an institution established based on the mandate of Law Number 30 of 2004 concerning the Position of Notary as amended by Law Number 2 of 2014, which has the main function of supervising and coaching Notaries at the Regency/City level. In carrying out the duties and functions of the Notary Supervisory Council, especially at the regional level such as in Pekanbaru City, the Supervisory Council is responsible for ensuring that Notaries carry out their duties with integrity and professionalism, and imposing sanctions if violations are found.<sup>9</sup>The Notary Supervisory and Development Board consists of three levels, namely the Regional Supervisory Board (MPD), Regional Supervisory Board (MPW), and Central Supervisory Board (MPP).<sup>10</sup>At each level, its duties and functions include supervision of behavior, enforcement of discipline, and enforcement of the Notary's code of ethics. One of its main duties is to examine and follow up on every report or complaint received regarding violations committed by Notaries in carrying out their duties. Therefore, the effectiveness of the Supervisory Board in carrying out its functions is a determining factor in creating good governance of the Notary

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<sup>8</sup> Indonesian Notary Association, 2015, Changes to the Notary Code of Ethics Extraordinary Congress of the Indonesian Notary Association, Banten.

<sup>9</sup> Elita Rahmi, 2020, Notary Supervisory Board and Notary Education Treasury, Pentas Grafika, Jambi, pp. 83-84.

<sup>10</sup>Antari. PE, 2020, Implementation of the Supervisory Function of the House of Representatives in an Effort to Improve Strong Presidential System in Indonesia, Legal Reflection. Journal of Law, Volume 4 Number 2, pp. 219-227.

profession.<sup>11</sup>Supervision and guidance of Notaries in Pekanbaru City is carried out by the Regional Supervisory Council (MPD), which is part of the Notary supervision structure in Indonesia. Although the Regional Supervisory Council (MPD) has the authority and obligation to carry out guidance and supervision of Notaries.

Pekanbaru City, as one of the big cities in Indonesia with quite high economic activity, the existence of Notaries is very important. Business transactions, making agreements, to managing deeds of transfer of land or building rights require the involvement of Notaries as an authority with legal force. With the increasing economic activity in this city, the number of Notaries is also increasing, along with the increasing need of the community for Notary services. This requires more intensive and systematic supervision to ensure that all Notaries in Pekanbaru City work in accordance with the established code of ethics and avoid actions that can harm clients or the community.

Supervision of the Regional Supervisory Council (MPD) in Pekanbaru City is limited to conducting examinations, coaching, supervision, and summons of Notaries who commit violations. However, this implementation is still ineffective because many violations of the Notary code of ethics are still found. For example, unilateral changes to deeds made by several Notaries in Pekanbaru City are examples of violations that still occur.

Based on the results of observations conducted by researchers in the Pekanbaru City area, there are several factors that hinder the effectiveness of supervision carried out by the Regional Supervisory Council (MPD) in Pekanbaru City. First, limited human resources are the main obstacle, because MPD members who come from various backgrounds, such as lecturers, government officials, and Notaries, often have difficulty focusing fully on their supervisory duties. This is because they have to carry out two functions at once, namely as supervisors and carrying out their respective professions. Second, supervision carried out by the Regional Supervisory Council (MPD) tends to be passive, where in general they only provide guidance if violations occur, without any further firm action. Third, the lack of socialization regarding the importance of Notary supervision is another obstacle, considering that the community and related parties do not fully understand the role of the Regional Supervisory Council (MPD). Fourth, the absence of an obligation for members of the Regional Supervisory Council (MPD) to be present routinely at work every day causes a lack of communication and coordination between supervisory members. Finally, the number of members of the Regional Supervisory Council (MPD) which is not comparable to the area and the number of Notaries in Pekanbaru City makes supervision less than optimal,

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<sup>11</sup>syatama, F, 2021, Notary's Responsibility After the End of His Term of Office Regarding Errors When Making Authentic Deeds (Case Study of Cilacap District Court Decision Number 114/Pdt.P/2017/PN-CLP). Indonesia Notary, Volume. 3, Number. 10, pp. 245-261.

due to the limited capacity to reach all existing Notaries. In order to improve the effectiveness of supervision and guidance of the Notary code of ethics in Pekanbaru City, several steps that can be taken are to increase socialization of the duties and obligations of Notaries to the community and Notaries themselves. In addition, the government needs to increase the resources and facilities available to the Regional Supervisory Council (MPD) so that they can carry out more effective supervision. Thus, Notaries in Pekanbaru City can be more obedient to the Notary code of ethics and applicable laws, thereby increasing public trust in Notary services.<sup>12</sup>

The implementation of supervision by the Notary Supervisory and Development Board in various regions, including in Pekanbaru City, in practice faces various challenges. One of the biggest challenges is the imbalance between the number of Notaries supervised and the amount of resources owned by the Supervisory Board, both in terms of the number of members of the board, infrastructure, and budget. This imbalance can result in the supervision process being less than optimal, so that potential violations by Notaries cannot be detected or handled quickly. In addition, another challenge faced is in terms of transparency and accountability of the supervision mechanism itself. Complaints received by the Supervisory Board often take a long time to process, which can cause dissatisfaction among the community or parties who feel disadvantaged by the actions of the Notary.<sup>13</sup> There are several factors that cause violations of the Notary Code of Ethics, which can be seen from various aspects. First, economic factors are one of the main causes, where urgent needs or economic pressures encourage some Notaries to take actions that are not in accordance with the provisions of professional ethics. Second, the factor of not understanding the contents and intent of the Notary Code of Ethics often arises due to differences in interpretation, which leads to ignorance or errors in carrying out duties. Furthermore, the factor of tight competition is also one of the causes. There are several factors that cause violations, especially in areas with a large number of Notaries, where unhealthy competition and the struggle for clients can tempt some Notaries to violate the code of ethics in order to gain profit. In addition, moral factors play a role, where the low morality of some Notaries affects their integrity and commitment to carrying out their profession honestly and professionally. Finally, family factors are also often influential, where family relationships that are too close often infiltrate the realm of the profession, even though Notaries are expected to be able to separate personal matters from professional duties that must be carried out with objectivity and without emotional intervention.

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<sup>12</sup>Saraswati, MDA, 2021, Disparity in Decisions of the Notary Supervisory Board that Have Binding Legal Force in Imposing Administrative Sanctions on Notaries (Case Study of Decision No. 03/B/MPPN/X/2019 and Decision No. 13/B/MPPN/XII/2017), Otentik's Jurnal Hukum, Kenotariatan, Volume 3 Number 1, pp. 36-57

<sup>13</sup> Achmad Ali, 2017, Uncovering Legal Theory and Judicial Theory Including Interpretation of Law (Legisprudence), Volume 1 Initial Understanding, Kencana, Jakarta, pp. 57-59.



Follow-up to violations of the code of ethics by Notaries in Pekanbaru related to the determination of honorariums involves the Regional Honorary Council which has the authority to supervise, foster, and enforce the code of ethics. Based on Article 8 of the Notary Code of Ethics, the Honorary Council can act proactively to investigate alleged violations without having to wait for reports from other parties. In cases of violations of the determination of honorariums, the Honorary Council carries out preventive supervision by ensuring that Notaries comply with the agreed rates, as well as curative by implementing strict sanctions against proven violations.

These violation cases reflect the challenges in maintaining the professionalism of Notaries amidst increasingly complex work demands. This phenomenon shows the importance of the role of the Supervisory Board and the Honorary Council in enforcing ethical and legal standards for Notaries. Based on this, the researcher is interested in conducting a study on "The Effectiveness of the Regional Supervisory Board in Supervising and Fostering the Notary Code of Ethics in Pekanbaru City".

## **2. Research Methods**

The research approach method used in this thesis is the empirical legal research method, namely providing a more comprehensive understanding of the law, both in the context of norms and their application in society.<sup>14</sup> Where the focus is to explore in depth the effectiveness of the regional supervisory board in supervising and fostering the Notary code of ethics in Pekanbaru City. The types and sources of data in this study are primary data obtained through interviews and observations. The analysis in this study is descriptive qualitative, which means that researchers will provide a description or explanation of the subject and object of research based on the results obtained. Qualitative descriptive analysis aims to explain existing conditions or phenomena clearly and in detail.

## **3. Results and Discussion**

### **3.1. Implementation of Notary Supervision in Carrying Out Activities by MPD in Pekanbaru City**

Supervision is a mechanism that aims to ensure that all activities and actions carried out by individuals or institutions are in accordance with applicable rules and procedures. In the context of the Notary profession, supervision aims to ensure that Notaries carry out their duties in accordance with the code of ethics and regulations set. This supervision is carried out by the Regional Supervisory Council (MPD) which has an important role in ensuring that Notaries act independently and professionally and comply with applicable legal obligations. Without effective supervision, the possibility of violations or abuse of authority

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<sup>14</sup>Mukti Fajar and Yulianto Ahmad, 2010, Dualism of Normative and Empirical Legal Research, Pustaka Pelajar, Yogyakarta, p. 156.

by Notaries can increase, which in turn can harm the community and reduce trust in this profession.<sup>15</sup>

Implementation of supervision of Notaries is not only reactive, namely after a violation occurs, but also preventive. The Regional Supervisory Council (MPD) not only monitors the implementation of Notary duties, but also provides guidance and education regarding the code of ethics and the latest legal developments that must be understood and applied by Notaries.<sup>16</sup> This supervision is carried out periodically to ensure that all Notaries in the region carry out their duties in accordance with the standards set by laws and professional codes of ethics. In addition, supervision also includes examinations if there are suspected violations and the imposition of appropriate sanctions if there is evidence of errors or deviations.

Based on the results of observations and interviews conducted in Pekanbaru City, there are several factors that hinder the effectiveness of supervision carried out by the Regional Supervisory Council (MPD) on Notaries. These factors provide a clear picture of the challenges faced in carrying out supervisory duties, as well as how each factor affects the performance of supervision which should be more optimal.

#### 1. Human Resource Limitations

One of the main factors that hinders the effectiveness of supervision by the MPD in Pekanbaru City is the limited human resources. This limitation is one of the main obstacles in optimally enforcing the Notary code of ethics.

Based on the interview results, limited human resources are the main obstacle in the effectiveness of supervision by the Regional Supervisory Council (MPD) of Pekanbaru City. Members of the Regional Supervisory Council (MPD) who come from various backgrounds, such as lecturers, government officials, and Notaries, must divide their time between supervisory duties and other responsibilities in their respective professions. This causes supervision to not be carried out intensively and in-depth, especially considering the large number of Notaries being supervised and the large area. In addition, the lack of coordination between members, caused by the absence of an obligation to be present regularly at the office, further worsens the effectiveness of supervision. This condition results in the supervisory approach being more often reactive, rather than proactive, so that potential violations of the code of ethics by Notaries cannot be optimally prevented.

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<sup>15</sup> Mu'amar, I., & Daimah, D, 2024. The Role of the Regional Supervisory Council (MPD) in Enforcing the Notary Code of Ethics in Case Number 33/P.DT.G/2016/PN.Cbn. *JlIP - Scientific Journal of Educational Sciences*, Vol. 7, No. 2, pp. 2134–2140.

<sup>16</sup> Wardio, D, 2017, Effectiveness of Supervision of Regional Supervisory Board in Preventing Violations of Notary Code of Ethics in Sleman Regency, *Jurnal Akta*, Vol. 4, No. 4, pp. 665-672.



## 2. Tendency to Passive Supervision

Although the Regional Supervisory Council (MPD) has a legal mandate to supervise notaries, in practice such supervision is often passive. This means that the Regional Supervisory Council (MPD) only moves or takes action after receiving reports or complaints from the public, not through active and periodic control mechanisms.

The Regional Supervisory Board (MPD) generally waits for reports to come in before conducting an examination of a notary. This means that supervision is not carried out periodically through direct inspections or routine evaluations of the notary's protocol and performance. In fact, preventive supervision is very important to prevent violations of the code of ethics early on. The Regional Supervisory Board (MPD) generally waits for reports to come in before conducting an examination of a notary. This means that supervision is not carried out periodically through direct inspections or routine evaluations of the notary's protocol and performance. In fact, preventive supervision is very important to prevent violations of the code of ethics early on. Reactive supervision causes potential violations to go undetected early, and only come to light after they have harmed the public or certain parties.<sup>17</sup>

## 3. Lack of Socialization Regarding Supervision

The lack of socialization regarding the importance of supervision of Notaries in Pekanbaru City is also a factor inhibiting the effectiveness of supervision.<sup>18</sup> Socialization is an important part of creating legal understanding and awareness, as well as building open relationships between supervisory institutions and supervised parties.

Based on the results of research in the city of Pekanbaru and interviews with one of the Notary's clients and with one of the Notaries in the city of Pekanbaru, there are still many Notaries who admit to not receiving clear and systematic information regarding the forms of supervision carried out by the Regional Supervisory Council.

(MPD). Information regarding sanctions, inspection mechanisms, and ethics that must be maintained in professional practice is often not conveyed optimally. Not only that, the general public often does not know that they have the right to report a Notary if they feel disadvantaged or find a violation of ethics in service. This shows that the educational role of the Regional Supervisory Council (MPD) has not been running optimally, even though in the Notary Law (UUJN), one of

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<sup>17</sup>Fadillah, R. 2021. The role of MPD in enforcing notary professional ethics. *Journal of Notary Law and Ethics*, 6(2), 65–78.

<sup>18</sup> Putri, R. M, 2021, Effectiveness of Notary Supervision by the Regional Supervisory Board in Pekanbaru City, *Legal Opinion Journal of Law*, Vol. 9, No. 2, pp. 112–120

the supervisory functions is also providing guidance, which should be carried out through socialization activities, seminars, training, or open discussions.

#### 4. Lack of Communication and Coordination Between MPD Members

The effectiveness of supervision of notaries is highly dependent on the synergy and internal solidarity within the Regional Supervisory Council (MPD). One of the obstacles often encountered in the implementation of MPD duties is the lack of communication and coordination between members, which has a direct impact on the slow response to complaint reports and the suboptimal function of coaching and supervision.

The Regional Supervisory Council (MPD) consists of active government, academic, and Notary elements, each of whom brings different backgrounds, approaches, and legal understanding. Ideally, these differences enrich the supervisory process and strengthen the objectivity of the assessment. However, in practice, differences in perception and work style often become a source of internal conflict or disagreement, especially if not supported by intense communication and good coordination.

#### 5. Imbalance of the Number of MPD Members with the Area and Number of Notaries

The limited number of members of the Regional Supervisory Board compared to the area of Pekanbaru City and the large number of Notaries are also significant inhibiting factors.<sup>19</sup> According to the statement of Mr. M. Farhan Nizar, SH, one of the Pekanbaru City Government Officials, he stated that the area of Pekanbaru City is quite large and there are many Notaries working in various Districts, the number of members of the Regional Supervisory Council (MPD) is not comparable to the number of Notaries in Pekanbaru, where it is difficult to reach all areas and monitor the implementation of Notary duties optimally.

Based on the theory of legal effectiveness, the theory of legal effectiveness is an approach to assessing the extent to which a law can be applied and complied with in real life in society. In this theory, Soerjono Soekanto states that legal effectiveness is influenced by five main factors, namely:

1. The legal regulations themselves.
2. Law enforcer.
3. Facilities or amenities.
4. Society and,
5. Legal Culture.

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<sup>19</sup>Dwi Ayu Sari, 2020, Analysis of the Performance of the Regional Supervisory Board in Supervising Notaries in Pekanbaru, Journal of Law & Development, Vol. 50, No. 2, pp. 134–145.

Referring to Serjono Soekanto's theory of legal effectiveness, the existence of the Regional Supervisory Council (MPD) will not necessarily run effectively functionally if the supporting factors for legal effectiveness are not met in a balanced manner. For this reason, evaluation and strengthening of institutions, systems, and legal culture are needed so that the MPD can truly carry out its function as a supervisor and fosterer optimally.

### **3.2. Effectiveness of Supervision Carried Out by the Regional Supervisory Council (MPD) on Notaries in Carrying Out Their Positions in Pekanbaru City**

Supervision of Notaries is a crucial element in ensuring that this profession carries out its duties and obligations in accordance with applicable legal regulations.<sup>20</sup>In Indonesia, supervision of Notaries is regulated by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (Law No. 2 of 2014), which mandates the Regional Supervisory Council (MPD) to monitor, supervise, and ensure that Notaries work in accordance with ethical principles, law, and professional standards.

The Regional Supervisory Council (MPD) is an institution that plays an important role in supervising Notaries at the regional level. The main task of the MPD is to ensure that Notaries carry out their duties responsibly, in accordance with applicable laws, and do not deviate from the provisions of professional ethics. The MPD also has the authority to impose administrative sanctions on Notaries who are proven to have violated legal provisions or the code of professional ethics. Based on Article 65 of Law No. 2/2014, which is an amendment to Article 65 of Law No. 30/2004, the Regional Supervisory Council (MPD) is responsible for supervising the implementation of the Notary's position. The MPD has the authority to conduct an inspection if it finds any alleged violations committed by the Notary. After the inspection, the Regional Supervisory Council (MPD) is required to provide recommendations to the Regional Supervisory Council (MPW) or related agencies if necessary. This article specifically stipulates that the Regional Supervisory Council (MPD) has an important role in maintaining the professionalism of Notaries at the regional level by supervising the implementation of their duties, checking for indications of violations, and providing advice or appropriate actions to enforce the code of ethics and applicable regulations.

Supervision carried out by the Regional Supervisory Council (MPD) on Notaries in Pekanbaru includes two main dimensions, namely preventive supervision and curative supervision.<sup>21</sup>Preventive supervision focuses on prevention efforts so that violations of the code of ethics and applicable regulations do not occur. In this context, the Regional Supervisory Council (MPD) plays an active role in

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<sup>20</sup> Habib Adjie, 2008, *Civil & Administrative Sanctions Against Notaries: As Public Officials*, Rafika Aditama, Bandung, 1st ed., pp. 167–171

<sup>21</sup>Wardio, D., & Hanim, L. 2018. The role of the Regional Supervisory Council (MPD) in supervising the implementation of notary duties in Sleman Regency. *Jurnal Akta*, 5(1), 1–12

providing education and information to Notaries regarding the obligations and standards that must be adhered to in carrying out their profession. Through preventive supervision, the Regional Supervisory Council (MPD) can prevent practices that can harm the integrity of the Notary profession, such as setting honorarium rates that are not in accordance with the provisions or other violations that can damage public trust in this profession.

Curative supervision is carried out after a violation or alleged violation of the code of ethics by a Notary. This dimension involves more reactive actions, such as investigations, sanctions, and enforcement of existing rules. If preventive supervision fails to prevent violations, the Regional Supervisory Council (MPD) is tasked with following up on the case with firm steps, such as issuing reprimands, warnings, or even administrative sanctions against the Notary concerned. Curative supervision aims to provide a deterrent effect and ensure that violations that occur are not left unchecked, so that it can enforce discipline and maintain the image of the Notary profession in the eyes of the public.

The Regional Supervisory Council (MPD) has the authority to proactively follow up on alleged violations, but in practice, the effectiveness of this supervision appears to be limited.<sup>22</sup>Based on existing reports, although there are violations related to the determination of honorariums that are not in accordance with the provisions, there has been no firm action from the Regional Supervisory Council (MPD), this shows that there is a gap in the enforcement of sanctions that can reduce the effectiveness of supervision.

#### 1. Feeling of Embarrassment among Notaries

One of the challenges faced by the MPD in enforcing the code of ethics is the sense of reluctance and professional solidarity among fellow Notaries. This is reflected in the practice where Notaries, especially those who are new to practice, tend to choose to not reporting violations or imposing sanctions on fellow Notaries due to close social relationships or even family relationships. The Regional Supervisory Council (MPD) is expected to not only focus on enforcing the rules, but also provide more in-depth guidance and coaching to new Notaries. The Regional Supervisory Council (MPD) must have a more comprehensive approach, by providing training or discussion forums that can help young Notaries clearly understand the importance of maintaining ethical standards, including includes the determination of tariffs that are fair and in accordance with applicable regulations.<sup>23</sup>

#### 2. Lack of Follow-up on Honorarium Violation Cases

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<sup>22</sup> Habib Adjie, 2015, Notary Supervisory Board, Rafika Aditama, Bandung, pp. 45–50.

<sup>23</sup> Yustica, A., & Djajaputra, G, 2020, The Role of Notary Professional Ethics as an Effort to Enforce the Law. Jurnal Notarius, Vol.13, No. 1, pp. 61–72

One aspect that needs to be emphasized in the supervision of the Notary code of ethics in Pekanbaru is that although there are many reports regarding violations of honorarium rates that are not in accordance with the provisions, until now there has been no further action from the Regional Supervisory Council (MPD). This phenomenon is not only detrimental to the Notaries themselves, but also creates an imbalance in the market, which can lead to a decline in the quality of service and damage professional standards. This inappropriate tariff practice has the potential to disrupt healthy competition among Notaries and damage the integrity of the Notary profession. This tariff mismatch is certainly not in accordance with the purpose of regulating honorarium rates, namely to maintain the professionalism and quality of services provided by Notaries to the public.

### 3. Weak and Inconsistent Sanctions

One of the main issues affecting the effectiveness of supervision of notaries in Indonesia, including in Pekanbaru City, is the weak and inconsistent application of sanctions by the Regional Supervisory Council (MPD). In fact, the function of supervision is not only to monitor, but also to provide a deterrent effect and ensure compliance with legal norms and professional codes of ethics. The Regional Supervisory Council (MPD) has the authority to impose administrative sanctions on notaries who are proven to have committed violations. These sanctions are regulated in Article 85 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary which includes verbal warnings, written warnings, temporary suspension from office, and honorable or dishonorable dismissal. However, in practice, there are a number of problems that cause the sanctions imposed by the MPD often not to reflect the level of violation committed, as well as a lack of consistency between similar cases.

Based on the Theory of the working of law, law does not only stop at the normative level, but also how it is implemented in practice by different institutions and individuals in the social system. Law truly lives when implemented through concrete social mechanisms, in the context of the Notary Office, the Regional Supervisory Council becomes the main institution that operationalizes legal principles through supervision and guidance. Therefore, the success of the Regional Supervisory Council in carrying out its duties is an important indicator of the extent to which the law on the Notary office really works in society.

### 4. Conclusion

Supervision carried out by the Regional Supervisory Council (MPD) on Notaries in Pekanbaru City has not been effective due to a number of major obstacles. First, the reporting mechanism and direct supervision of Notary practices are still weak, so that violations such as discrepancies in honorarium rates and other violations of the code of ethics are often not detected or not followed up firmly.

Second, the sanctions given tend to be light and do not create a strong enough deterrent effect, so that similar violations continue to recur. In addition, social and professional relationship factors between Notaries also hinder reporting and taking action against violations. In terms of effectiveness, although the MPD has the authority for preventive and curative supervision, its implementation is still less than optimal due to weak enforcement of sanctions and minimal follow-up to violations. Cases of violations of honorarium rates and job promotions show that awareness of violations does exist, but is not accompanied by firm steps to prevent them from recurring. Therefore, in order for supervision to be more effective, the MPD needs to strengthen reporting mechanisms, increase the intensity of direct supervision, apply firmer and more consistent sanctions, and prioritize coaching for new Notaries. These steps are important to maintain the integrity of the Notary profession and increase public trust in the Notary institution in Pekanbaru City.

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