

Notary's Responsibility in Making Authentic Deeds Containing False Statements by The Parties with Much Knowledge

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Abstract. *In practice, there are still many Notaries who do not comply with these regulations, thus causing losses to the public (their clients) who seek legal justice in making an agreement or notarial deed. The purpose of this study is to determine the unlawful acts committed by Notaries in making authentic deeds with false information by the parties known together and the notary's responsibility for their actions in violation of criminal law and the Notary's code of ethics. This study uses a normative juridical approach, through a statutory approach (statute approach). The types and sources of data in this study use secondary data obtained from literature studies and the analysis in this study is prescriptive. Based on this study, it is concluded that Notaries who make authentic deeds with false information by the parties known together are unlawful acts and can be categorized as committing a criminal act and also a violation of the Notary's Office. These actions can be subject to criminal sanctions in accordance with the Criminal Code (KUHP) and administrative sanctions in accordance with the UUJN and the Notary's Code of Ethics. In this research, it was found that a Notary was sentenced by the Panel of Judges at the District Court for unlawful acts in making authentic deeds with false statements by the parties. Which It is the responsibility of the Notary who collaborates with other parties to make an authentic deed with false information, so that he must undergo criminal or punishment after a court decision that has permanent legal force, because the Notary's unlawful actions have fulfilled the elements of the articles in the Public Prosecutor's indictment and mutually accept the decision without making an appeal.*

Keywords: *Authentic Deed; False Statement; Notary; Unlawful.*

1. Introduction

A notary is a public official who has the authority to make authentic deeds as referred to in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN). A notary is one of the officials tasked with making authentic deeds. Article 1868 of the Civil Code requires that a deed have the power of authentic evidence, it must be made by an authorized public official. Therefore, not everyone can or may make an authentic deed, but only public officials authorized by law to make authentic deeds.¹ Based on Article 1 number 1 of the Notary Law (UUJN), it is emphasized 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, and Article 1 number 7 of UUJN, a Notarial deed hereinafter referred to as an authentic deed made by or before a Notary according to the form and procedures stipulated in this Law. It can be concluded that a Notary is the only public official who has the authority to do so. Knowing the importance of the duties and position of a Notary in the midst of society and the evidentiary power of the authentic deeds he makes, it can be said that the position of a Notary is a position of trust.

This position of trust granted by law and society requires a person whose profession is a Notary to be responsible for carrying out this trust as best as possible and upholding legal ethics, dignity and the nobility of his position.² In carrying out his duties and position, a notary provides the best possible service to the community who require his services.³ Based on the provisions of Article 16 paragraph (i) letter a of Law Number 2 of 2004 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN), that in carrying out his position, Notaries are obliged to act in a trustworthy, honest, thorough, independent, impartial manner and protect the interests of the parties involved in legal actions.

The most important and strategic positive side born of UUJN is the formation of the Notary Professional Court which is run by a Notary Supervisory Board which is tiered according to their respective duties and authorities. Based on Article 1 Paragraph (1) of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 16 of 2021 concerning the Organizational Structure and Work Procedures, Procedures for Appointment and Dismissal, and Budget of the Notary Supervisory Board, the definition of the Notary Supervisory Board is a body that has the authority and obligation to carry out guidance and supervision

¹Kunni Afifah, (2017), Tanggung Jawab dan Perlindungan Hukum Bagi Notaris Secara Perdata Terhadap Akta Yang Dibuatnya, *Jurnal Lex Renaissance*, Nomor 1 Volume 2, p.150.

²Habib Adjie, (2009), *Hukum Notaris Indonesia (Tafsir Tematik) Terhadap Undang- Undang Jabatan Notaris Nomor 30 Tahun 2004 Tentang Jabatan Notaris*, Bandung : Rafika Aditama, p.40.

³Ndaru Satrio, (2016), Analisis Yuridis Terhadap Tindak Pidana Memberikan Keterangan Palsu Dalam Akta Otentik Sebagaimana dimaksud Dalam Pasal 266 Ayat (1), *Jurnal LEX CERTA*, Volume 1 Nomor 1, p.97.

of Notaries. The Notary Supervisory Board can be called the Notary Professional Court, because in principle the Notary Supervisory Board has the scope of authority, namely to hold hearings, examinations and decision-making and impose disciplinary sanctions on a Notary who violates the UUJN and the Notary Code of Ethics.⁵

As a public official who makes authentic deeds, a Notary is responsible for the deeds he made if a dispute arises in the future related to the deed. The notary's responsibility in providing evidence in criminal cases in court can occur when the deed becomes a problem, thus requiring the notary to provide information and testimony related to the formal and material aspects of the deed. An authentic deed essentially contains formal truth in accordance with what the parties told 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 laws and regulations related to the parties signing the deed.⁴ There are cases where notaries are involved in unlawful acts by approving false statements from witnesses. For example, in the case described in Supreme Court Decision Number 1234 K/Pdt/2018, it was revealed that the notary was aware of the false statements provided by the witness but still prepared the deed. This resulted in losses for the injured party and created a bad precedent for the notary profession. Based on this, this research is important to conduct in order to better understand the legal responsibilities of notaries in such cases. This research also aims to provide recommendations for improving notary professional practice to minimize the occurrence of unlawful acts in the preparation of authentic deeds.

2. Research Methods

The method used in this study is normative legal research that aims to analyze the responsibility of a notary in making authentic deeds containing false statements from the parties with mutual knowledge. The approach in this study is a statute approach. The type of data used includes secondary data derived from books, journals, articles, and relevant laws and regulations. The data collection technique used in this study is the library research method. The data processing process includes collecting, organizing, analyzing, and presenting data to draw valid and comprehensive conclusions regarding the phenomenon being studied.

⁴Widinasnita Putri Nusantara, Chairunnisa Said Selenggang, & Aad Rusyad Nurdin, "Tanggung Jawab Hukum Notaris Atas Akta Pelepasan Hak Atas Tanah Yang Ditandatangani Oleh Bukan Pemilik Yang Sah Analisis Putusan Mahkamah Agung Nomor 1249 K/Pid.Sus/2018)", *Indonesian Notary* 3, September 2020, p. 717.

3. Results and Discussion

3.1. What is the unlawful act committed by a Notary in making an authentic deed with false information by the parties who are known to each other?

3.1.1. Unlawful Acts Committed by Notaries in Making Authentic Deeds with False Information.

Notary is a position that has a great responsibility towards the community, this is because the Notary is a public official who is given special authority to make authentic deeds. Notary Public Officials must uphold their dignity when carrying out their duties, as well as when outside their duties. The existence of a Notary is very important in the life of the community because Notaries provide legal certainty to the community regarding the making of authentic deeds needed by the community, as stipulated in Article 1868 of the Civil Code (KUHPerdota) which states: "An authentic deed is a deed made in the form determined by law by or before a public official authorized for that purpose at the place where the deed was made."

Notaries are bound by several regulations and also have obligations they must comply with. The goal is to prevent notaries from abusing the authority granted to them, thereby ensuring they are accountable for their actions and retaining public trust. To date, many notaries still commit errors and fail to comply with their obligations as notaries. The role of overseeing the actions of notaries while on duty is held by professional notary organizations. Case example:

The case that occurred was about forgery committed by a Notary in Malang Regency and many more in other areas, which had reached the Kepanjen District Court. Starting on September 28, 2000, an ITW (Plaintiff) purchased a plot of land with a SHM 128 area of 12,370 m² located in East Java Province. The Plaintiff made a deed of Sale and Purchase Agreement (PPJB) No. 189 and a Deed of Power of Attorney to Sell No. 199 before a Notary and PPAT AP. Approximately 2 years later on January 14, 2002, the Plaintiff purchased another plot of land with a SHM 169 area of 5,220 m² and a SHM 170 area of 3,410 m² and the transaction was recorded in a deed of Sale and Purchase Agreement No. 79 and a Deed of Power of Attorney to Sell No. 80 made before a Notary and PPAT (Land Deed Official) AP. The plaintiff as a client has trusted Notary AP, therefore he then entrusted the SHM 128, 169, and 170 documents to Notary AP for the certificate splitting. However, then without his knowledge, Notary AP transferred the documents for the Plaintiff's land secretly to himself through his colleagues, namely Notary and PPAT FSS. Because of this action, the Plaintiff was greatly harmed both morally and materially. The material loss amounted to approximately IDR 5,000,000,000 (five billion rupiah), then the Plaintiff filed a lawsuit with the Kepanjen District Court on January 13, 2021 and was decided on June 19, 2021 with Case Decision No. 09 / Pdt.G / 2021 / PN.Kpn.

Based on the above case, abuse of authority which is an unlawful act has been committed in relation to the criminal act of forgery which has been committed by Notary AP and Notary FSS who jointly made a false certificate dated November 22, 2000 and the Sale and Purchase Agreement (PPJB) and the Deed of Power of Attorney to Sell No. 10 dated May 16, 2003 which should have been used by Notary AP to carry out the division of certificates at the request of his client. This action is a criminal act because it has fulfilled the elements, namely:⁵1. (Human) Acts, namely actions and events caused by the act. 2. Fulfilling the formulation of statutory regulations so that an act can be called a crime, it must fulfill the formulation of the law, which means the principle of legality applies. The principle that states that no act is prohibited and threatened with punishment if it is not or has not been stated in a statutory regulation. 3. Being unlawful, in a criminal act is an absolute condition and a material condition.

The act of forgery of letters or deeds committed by a notary has been expressly regulated in Article 263, Article 264, and Article 266 of the Criminal Code (KUHP). In this case, Notary AP was proven to have made deeds containing false information, which legally also fulfills the elements of the crime of fraud as regulated in Article 378 of the Criminal Code because of the trickery against the client which resulted in losses for other parties. In addition to violating criminal provisions, this act also constitutes a form of violation of the notary's office as regulated in the Notary Law (UUJN). From a civil law perspective, this act is classified as an unlawful act (*onrechtmatige daad*) as regulated in Article 1365 of the Civil Code, which states that every unlawful act that causes loss to another person requires the perpetrator to compensate for the loss. Doctrinally, for an act to be categorized as an unlawful act, four elements must be met, namely: the existence of an unlawful act, the existence of an error, a causal relationship between the act and the loss, and the existence of a real loss.

In this case, the elements of an unlawful act are fulfilled because Notary AP and Notary FSS violated the provisions of the Criminal Code, UUJN, and general legal principles. The element of fault is fulfilled because both of them consciously and intentionally made a deed containing false information. The element of causal relationship is fulfilled because the creation of the false deed directly resulted in the loss of the plaintiff's rights and caused losses. The element of loss is also clearly proven, namely material losses of IDR 5,000,000,000 (five billion rupiah). With the fulfillment of these four elements, legally the actions taken by Notary AP and Notary FSS can be declared as unlawful acts that give rise to both criminal and civil liability.

⁵Abdul Ghofur Anshori, (2009), *Lembaga Kenotariatan Indonesia Perspektif Hukum dan Etika*, Yogyakarta : UII Press, p.35.

Based on legal facts, the elements of an unlawful act (PMH) committed by Notary AP and Notary FSS have been fulfilled. Their actions not only violate the provisions of the Criminal Code (KUHP) regarding the crime of forgery and fraud, but also contradict the authority and prohibitions of their position as stipulated in the Notary Law (UUJN). These violations have direct implications for the validity of the authentic deeds made by Notary FSS. The second element, namely error (*schuld*), is also fulfilled. Notary AP and Notary FSS knowingly made deeds containing false information, which resulted in losses for other parties. These losses have a direct causal relationship with their actions, with a value reaching approximately IDR 5,000,000,000 (five billion rupiah).

Furthermore, the actions carried out by Notary AP and Notary FSS can be qualified as a conspiracy to issue a Sales and Purchase Agreement (PPJB) and Deed of Power of Attorney to Sell No. 2 dated November 22, 2000, as well as PPJB and Deed of Power of Attorney to Sell No. 10 dated May 16, 2003 between HS as the seller and Notary AP. The making of the deed did not fulfill the elements of an agreement as referred to in Article 1320 of the Civil Code. As a result, the deed made by Notary FSS lost its authenticity because in the process of making it there was no valid agreement between the interested parties, especially between HS (the seller) and Notary AP.

The facts revealed show that the actual PPJB was the result of an agreement between the Plaintiff and the seller, signed before Notary AP. However, Notary AP did not have any rights to the PPJB object and had transferred it without the Plaintiff's consent. Thus, the PPJB and Deed of Power of Attorney to Sell No. 2 dated November 2, 2000 as well as the Deed of Sale and Purchase Agreement and Deed of Power of Attorney to Sell No. 10 dated May 16, 2003 did not fulfill the fourth element of an agreement, namely a lawful cause.

This action constitutes abuse of authority and falsification of deeds/documents, making the transfer of PPJB objects a prohibited act. Therefore, the deeds drawn up before the FSS Notary are null and void because they do not meet the provisions and elements stipulated in Article 1320 of the Civil Code.

3.2. Notary in Making Authentic Deeds with False Information by the Applicants Who are Known Together.

A notary who prepares an authentic deed using false information from the parties appearing (one or both parties appearing) may be subject to criminal penalties, specifically under Article 264 of the Criminal Code concerning "falsification of documents." If the notary is involved in falsifying the identity of the parties appearing, the sanctions may be increased. Furthermore, a notary who violates their obligation to maintain the authenticity of the deed may also be dismissed from their position.

- 1) Criminal Sanctions. Forgery of authentic deeds, including false statements, can be subject to Article 264 of the Criminal Code with a penalty of 8 (eight) years. Article 264 of the Criminal Code.
- 2) Administrative Sanctions. Based on the UUJN and the Notary Code of Ethics, the Notary profession has the authority to make authentic deeds as stated in Article 15 paragraph (1) of the UUJN and also has several other authorities. These authorities are regulated in Article 15 paragraph

Based on the authorities held by a Notary, there are 4 (four) limitations in exercising his authority, namely:

- 1) A notary has authority as far as deeds that must be made by him are concerned, meaning that a notary may not make deeds regarding matters that are not within the notary's authority to make.
- 2) A notary has authority as far as the person for whose benefit the deed is made is concerned, meaning that even though a notary can make a deed for anyone, Article 52 of the UUJN limits this authority so that a notary cannot make a deed for himself or for people who have a family relationship with the notary.
- 3) The notary is authorized as far as the place where the deed is made is concerned, meaning that when making a deed the Notary is only permitted to carry it out within the territory of the Notary in question.
- 4) The notary has authority as far as the time of making the deed is concerned, meaning that when the deed is made by the notary, it must be ensured that the notary is active.

Reflecting on the case described above, the notary in this case has violated his obligations and abused the authority granted to him. In this case, Notary AP, as the notary public entrusted by the plaintiff to assist him in the process. The notary who divided the land titles SHM 128, 169, and 170 failed to carry out his duties as required. The notary conducted a fake sale and purchase before Notary FSS and transferred all of the Plaintiff's SHMs into his name, as if Notary AP had conducted the sale and purchase with the seller.

Based on UUJN, the Notary's obligations that were violated in this case are the obligations contained in Article 16 paragraph (1) letter a UUJN, where the Notary is obliged to act in a trustworthy, honest, thorough, independent, impartial manner, related to legal actions. In this case, Notary AP acted dishonestly regarding the trust that had been given by the Plaintiff, was dishonest in the transfer of the land before Notary FSS and did not protect the interests of the parties by prioritizing his own interests above the interests of the Plaintiff by transferring the land in an illegal

manner. Based on these facts, the actions taken by Notary AP have been proven and can be proven to have been negligent and not carried out his obligations.

Violation of the Notary's obligations in making a deed can result in a lack of public trust in the Notary, which can impact the Notary's dignity and honor. These actions include sanctions that can be given to Notaries AP based on UUJN, which are contained in Article 85, namely the imposition of sanctions which include: Verbal warnings; Written warning; Temporary dismissal; Honorable dismissal; or Dishonorable dismissal.

Sanctions against Notaries can be imposed by the Supervisory Board, which is the body authorized to supervise and guide Notaries. Based on Article 70 letter a of the UUJN, the Regional Supervisory Board (MPD) has the right to hold hearings to examine alleged violations of the Notary Code of Ethics or violations in carrying out its duties. Meanwhile, the Regional Supervisory Board (MPW) has the authority to hold hearings to examine and decide on public reports submitted through the MPD, summon the reported Notary for questioning, impose sanctions in the form of verbal or written warnings, and propose sanctions to the Central Supervisory Board (MPP) in the form of temporary dismissal for 3–6 months or permanent dismissal (dishonorable), as regulated in Article 73 of the UUJN.

Violations of the Notary Code of Ethics may result in sanctions in the form of a reprimand, warning, temporary suspension from association membership, honorable dismissal from association membership, or dishonorable dismissal from association membership. These sanctions are imposed by the Honorary Council, which is the association's tool for enforcing the Code of Ethics. In this case, the Honorary Council has the authority to impose sanctions on AP Notaries and FSS Notaries according to the level of violation committed, namely forgery and unlawful acts that tarnish the honor and dignity of the notary profession.

According to Gustav Radbruch, the theory of legal certainty that guarantees certainty in society is beneficial law. Legal certainty means not only strict laws, but also laws that prioritize justice and continue to provide benefits to society. Legal certainty can be achieved if legal provisions, particularly statutes, are formulated as clearly as possible without giving rise to differing interpretations and without conflicting principles.

The cancellation of a notarial deed is a declaration of the annulment of a legal act based on a demand by a party authorized by law. This occurs when a legal act is flawed but still produces legal consequences as desired by the party, so that the agreement arising from it can be canceled at the request of the authorized party. The cancellation is carried out by a judge, and if an authentic deed is proven to have been made with deliberate false information, then based on the court's decision,

the deed is declared null and void. As a result, the deed's evidentiary force is degraded from an authentic deed to a private deed.

3.3. What is the responsibility of a notary in the case of making an authentic deed containing false information by the parties who are known to be the witnesses?

Notaries are fully responsible for ensuring that authentic deeds are prepared in accordance with statutory provisions, contain accurate data and information as provided by the parties, and are executed according to legal procedures. Notaries are required to guarantee the validity, clarity, and evidentiary value of the deed, maintain the confidentiality of its contents, and avoid any actions that could give rise to disputes or harm the parties involved.

As a public official authorized to issue authentic deeds, a notary plays a crucial role in law. An authentic deed drawn up by a notary has perfect evidentiary force in court and can be used as valid evidence in legal proceedings. Therefore, a notary must ensure that the authentic deed they create is valid and correct, and does not contain any false information that could harm the parties involved.

In practice, notaries are often faced with situations that require caution and precision in creating authentic deeds. Notaries must ensure that all information provided by the person appearing is accurate and truthful, and that there are no elements that could harm the parties involved. One situation that can give rise to legal issues is when a notary creates an authentic deed with false information that is mutually known to both the person appearing and the notary.

Producing an authentic deed that does not comply with legal provisions can have serious consequences for both the notary and the parties involved. Notaries can be held accountable for their actions, ranging from administrative sanctions to civil liability to criminal liability. Administrative liability can include a warning, temporary suspension, or revocation of office. Civil liability arises when the notary's actions harm a particular party, while criminal liability applies if there is an element of crime, such as forgery or fraud. Therefore, a thorough understanding of the obligations and limitations of a notary's authority is crucial to ensure that the creation of an authentic deed remains legal and avoids potential problems in the future.

Given the potential for legal violations in the preparation of authentic deeds, it is important to thoroughly discuss the responsibilities of notaries when preparing deeds containing false information by the parties, especially if this information is mutually known. This discussion is necessary to understand the extent of the notary's role and obligations in ensuring the validity and accuracy of the deed's contents. Furthermore, this study can also reveal the legal implications that may arise, whether in the form of administrative, civil, or criminal sanctions. A

comprehensive understanding of this issue is expected to contribute to the development of thinking about the strategic role of notaries in maintaining the integrity of authentic deeds and preventing future legal violations.

The discussion of notaries' responsibilities in the preparation of authentic deeds is not only beneficial for the development of legal science but can also increase notaries' awareness and knowledge of the obligations inherent in their position. This understanding is expected to encourage notaries to be more careful, thorough, and professional in carrying out their duties, thereby improving the quality of service to the public. Furthermore, the results of this study can also provide valuable input for the government and related institutions in formulating more appropriate and effective regulations and policies to better regulate notarial practices and prevent future violations.

3.3.1. Definition and Concept of Authentic Deed

An authentic deed is an official document drawn up by an authorized public official, such as a notary, and has perfect evidentiary force in court. This means that the contents of the deed are considered true and valid until proven otherwise. The purpose of creating an authentic deed is to record legal events or transactions between parties, thus having strong legal force. Based on Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, an authentic deed is drawn up by or before a notary in accordance with the form and procedures stipulated in the law.

Furthermore, conceptually, an authentic deed has several important characteristics. First, an authentic deed has perfect evidentiary force in court, making it valid evidence in legal proceedings. Second, this deed can only be prepared by an authorized public official, such as a notary, who has the competence and authority as stipulated in the law. Third, the preparation process must follow the form and procedures established by law to ensure its validity. With these characteristics, an authentic deed plays a crucial role in legal practice, as it provides strong evidence that is difficult to refute in court.

3.3.2. Case of Making Authentic Deeds with False Information

The creation of authentic deeds with false information is a common violation in notarial practice. This occurs when an authentic deed prepared by a notary contains inaccurate information, either because the notary provides false information to the notary or because the notary intentionally includes false information. Such actions have serious legal consequences, not only for the notary but also for the parties involved in the deed.

Some examples of cases of making authentic deeds with false information include: (a) deeds of sale and purchase of land that contain the identity of the seller or

buyer incorrectly; (b) deeds of establishment of companies that contain false information regarding capital or ownership; and (c) deeds of inheritance that contain false information regarding heirs or inherited assets.

In every authentic deed, a notary is responsible for ensuring the truth and validity of all information contained. If a notary is negligent or intentionally creates a deed containing false information, they may be subject to severe legal sanctions. For example, in case No. 898/Pid.B/2022/PN.Jkt.Brt in West Jakarta, the judge ruled that the authentic deed prepared by a notary with the initials C contained false information. As a result, the notary was sentenced to one year in prison based on Article 266 paragraph (1) in conjunction with Article 55 of the Criminal Code concerning assisting and ordering the insertion of false information in an authentic deed. In addition to criminal penalties, the notary was also subject to administrative sanctions in the form of dishonorable dismissal from office. Therefore, notaries are required to be careful, precise, and thorough in carrying out their duties, and to ensure that all information provided by the person appearing is completely accurate. This is important to maintain the validity of the authentic deed and prevent all parties from the risk of legal problems in the future.

If a notary intentionally uses knowingly false information, this constitutes a serious violation of the notarial code of ethics and a violation of applicable law. This action undermines the integrity of the notarial profession, which is supposed to uphold truth and fairness in the preparation of authentic deeds. Notaries who knowingly include false information in authentic deeds may be subject to various sanctions, ranging from administrative to civil to criminal.

Some examples of violations that fall into this category include: (a) notaries who intentionally include false information regarding the identities of the parties involved in a deed; (b) notaries who include false information regarding objects or assets that are part of the deed; and (c) notaries who falsify information regarding the date or place of the deed's creation. These types of actions not only violate the law but also damage public trust in the notarial profession.

To understand the basis of a notary's authority and responsibilities, it is necessary to refer to Article 1 number 1 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary. This article defines a notary as "a public official authorized to make authentic deeds and has other authorities as referred to in this Law or based on other laws." This definition emphasizes that notaries play an important role as public officials who are given authority by the state, so that any abuse of authority can have serious legal implications.

In cases of creating an authentic deed containing false information, a notary can be subject to severe legal sanctions, ranging from revocation of his or her practice

license, fines, and imprisonment. This risk requires notaries to be always careful, thorough, and meticulous in carrying out their duties, and to ensure that all information provided by the person appearing is accurate and true. A notary's deliberate use of knowingly false information not only violates the law but can also damage public trust in the notarial institution and the notarial profession itself. Therefore, it is important for notaries to carry out their duties with integrity, objectivity, and transparency, and to ensure that every authentic deed they create has legal validity and accountable content.

In the case of the creation of an authentic deed containing false information by the parties and jointly known by the notary, the notary's responsibility becomes very important to ensure that the deed made remains valid and correct. If the notary fails to carry out this responsibility, he can be subject to various legal sanctions, including administrative, civil, and criminal sanctions. Administrative sanctions for notaries are regulated in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, as well as Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 61 of 2016 concerning Procedures for Imposing Administrative Sanctions on Notaries. The form of these sanctions can be in the form of verbal warnings, written warnings, temporary dismissal, up to dishonorable dismissal from the position of notary.

In addition, notaries may also be subject to civil sanctions, such as lawsuits for damages from parties harmed by authentic deeds containing false information. This provision refers to the Civil Code (KUHPperdata), specifically Article 1365 concerning unlawful acts and articles related to breach of contract, if it is proven that the notary's actions have caused harm to another party. Furthermore, criminal sanctions can also be imposed if the notary's actions meet the elements of a criminal violation as stipulated in the Criminal Code (KUHP). The criminal penalties can include imprisonment, fines, and revocation of a notary's license.

Forms of criminal violations that can be committed by notaries include forgery, namely making a deed that does not correspond to the facts or inserting false information into an authentic deed; abuse of office, namely using the notary's authority for personal gain or another party that is detrimental to the related party; and cooperation in committing crimes, for example conspiring with another party to falsify an authentic deed or using false information. The application of these criminal sanctions has the main objective of providing legal protection to the public and ensuring that notaries carry out their duties professionally, honestly, and in accordance with laws and regulations.

4. Conclusion

Notaries who create authentic deeds with false information can be subject to criminal penalties and administrative sanctions. Forgery of authentic deeds can be subject to Article 264 of the Criminal Code with a maximum sentence of 8 years in prison. Notaries can also be dismissed from their positions if they violate their obligation to maintain the authenticity of the deed. In addition, notaries can be subject to administrative sanctions such as verbal warnings, written warnings, temporary suspension, or honorable/dishonorable dismissal by the Notary Supervisory Board. Authentic deeds made with false information can be annulled by the court and their force as evidence becomes a private deed. Notary actions that violate the law and the code of ethics can damage public trust and the dignity of the notary profession. The responsibility of a notary in creating an authentic deed with false information is crucial because notaries play a key role in ensuring the validity and accuracy of legal documents. Notaries can be subject to administrative sanctions such as warnings, suspensions, revocation of their practice licenses, administrative fines, and special supervision if they commit violations. Furthermore, notaries can also be subject to civil sanctions in the form of compensation or restitution of losses, as well as the cancellation of an authentic deed if they are proven to have created the deed with false information. If a notary is proven to have committed forgery, abuse of office, or cooperation in a crime, they can be imprisoned and fined. Therefore, it is crucial for notaries to carry out their duties with integrity, objectivity, and transparency. Improving the quality of notaries through training and education, strict supervision by the Notary Supervisory Board and the Ministry of Law and Human Rights, and the implementation of a notary code of ethics can help prevent unlawful acts. If violations occur, restitution of losses to the injured party and fair sanctions against the notary who committed the violation can be a solution. In practice, notaries must always be careful and thorough in making authentic deeds and ensure that all information provided by the parties is accurate and correct to avoid legal sanctions and maintain public trust in notarial institutions.

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