

Implementation of Article 9 Paragraph (1) Letter D of Law Number 2 of 2014 Regarding the Position of Notaries (A Study in West Lombok Regency)

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Abstract

This research discusses the implementation of Article 9 Paragraph (1) letter d concerning official violations and the Notary Code of Ethics according to Law Number 2 of 2014 concerning the position of Notary, and the efforts of the Notary Supervisory Council in order to minimize violations committed by Notaries. The type of research used is empirical legal research with a statutory approach, conceptual approach and sociological approach. Data collection techniques use interview techniques and data analysis by analyzing the application of law by grouping data obtained empirically, and by deductive conclusions. Based on the research results, it is known that the implementation of Article 9 paragraph (1) letter d UUJN is based on the results of the examination trial decision. Based on data obtained during 2017-2023, there were 4 cases of West Lombok Regency Notaries committing violations, which were predominantly violations of obligations. Most sanctions are given in the form of written warnings by MPWN NTB. It was also found that the number of Notarial deeds with legal problems from 2012-2023 was 19 deeds. Efforts made by the Notary Supervisory Council in order to minimize violations committed by Notaries are by increasing supervision, in the form of preventive, curative and coaching supervision, as well as provision.

Keywords: Implementation, Article 9 Paragraph (1) letter d, UUJN, Notary Position.

DOI: 10.7176/JLPG/139-07

Publication date: January 31st 2024

1. Introduction

Notary, as a public official, possesses the authority to create authentic deeds, provided that the creation of specific authentic deeds is not reserved for other public officials. The general task of a Notary is to compose authentic deeds containing agreements or legal actions between parties with vested interests. The role of a Notary is pivotal within the legal and societal realms. In the legal context, a Notary exists to establish legal certainty, ensure legal harmony, and maintain legal order between the State and society, as well as among individuals. The presence of a Notary in societal activities brings forth numerous positive aspects, facilitating the community in executing legal actions in accordance with legal regulations.

The Constitution of the Republic of Indonesia of 1945 explicitly designates the Republic of Indonesia as a legal state. The principle of a legal state guarantees legal certainty, order, and protection based on truth and justice. Legal certainty, order, and protection demand, among other things, that the legal processes in society necessitate clear evidence defining the rights and obligations of an individual as a legal subject within the community.

The Notary's role in creating authentic deeds, hereafter referred to as "*Akta*," follows the form and procedures stipulated in the prevailing law. According to Article 1868 of the Civil Code, an authentic deed is a document created in a form specified by the law, made by a body in the presence of public officials authorized for such matters at the location where the deed is produced. According to Article 1 number 1 of Law Number 30 of 2004 concerning Notary Positions (UUJN), a Notary is the only one with such general authority, meaning they do not share it with other officials. The Notary's authority is general, while other officials have exceptions (Perkasa, 2022).

Authentic deeds crafted by a Notary as the strongest and most perfect evidence play a crucial role in every legal relationship within society. Through authentic deeds that clearly stipulate rights and obligations, ensure legal certainty, and concurrently aim to avoid disputes. While disputes are inevitable, during the dispute resolution process, authentic deeds serve as the most robust and comprehensive written evidence, significantly contributing to the cost-effective and swift resolution of legal matters. While performing their duties, Notaries have rights, obligations, and prohibitions stipulated by the Notary Position Law, specifically Law Number 2 of 2014 concerning Notary Positions (UUJN).

UUJN serves as the formal legal foundation for the Notary profession, governing not only the rights, obligations, and prohibitions but also aiming to provide balanced legal protection to the parties involved in the deed-making process. Termed as formal law because formal truth is based on legal formalities, authentic deeds

possess perfect and binding probative strength, meaning judges do not require additional evidence to decide a case other than the authentic evidence (Rokhayah, 2020). The law of evidence encompasses a set of legal principles regulating the process of proving, involving valid evidence, actions performed in procedural steps to ascertain juridical facts during a trial, the system adhered to in the process, the requirements and procedures for presenting evidence, and the judge's authority to accept, reject, and evaluate evidence (Alfitra, 2011).

Notaries, Temporary Notaries, Substitute Notaries, or any individuals or public officials practicing the Notary profession are obligated to adhere to UUJN and the Notary Code of Ethics, consistently obeying the laws of Indonesia in carrying out their duties. UUJN meticulously regulates the general positions held by Notaries, expecting that with UUJN in place, authentic deeds produced by or in the presence of Notaries can ensure legal certainty, order, and protection. Considering Notarial Deeds as the strongest and most perfect written evidence, UUJN outlines the authority, obligations, and prohibitions of Notaries. The hope is that these guidelines enable Notaries to carry out their duties and powers effectively, with the legal product in the form of deeds as the strongest evidence genuinely becoming a guarantee of legal certainty (Mardjoni, 2019).

Notaries, as public officials appointed by the State, have specific obligations regulated by the Law on Notary Positions. A Notary is obliged to act honestly, independently, diligently, and impartially. Honesty is crucial because if a Notary acts dishonestly, it will lead to new issues or problems that will harm both the public and the Notary. Moreover, dishonesty will reduce the level of trust the public places in a Notary. Acting impartially is also a critical aspect that a Notary must consistently uphold (Mardjoni, 2019). The obligations of a Notary in carrying out their duties are outlined in Article 16 of UUJN Number 2 of 2014 concerning Notary Positions. Article 16, paragraph (1) letters a to n, regulates the obligations of Notaries, while the subsequent paragraphs provide explanations for the preceding paragraphs regarding Notary obligations. In addition to obligations, the prohibitions for Notaries are also enshrined in the aforementioned UUJN, as stipulated in Article 17 of UUJN Number 2 of 2014.

Notaries proven to violate the obligations and prohibitions outlined in Article 16 and Article 17 regarding Notary obligations and prohibitions can face sanctions, including civil, administrative, ethical, and even criminal sanctions. UUJN Number 2 of 2014 concerning Notary Positions has established provisions for imposing sanctions on Notary officials who violate provisions related to duties, obligations, and prohibitions, as stated in Article 9, paragraph (1), letter d, which reads: "A Notary is temporarily suspended from their position for violating the duties and prohibitions of the profession and the Notary Code of Ethics."

Notaries found to violate the provisions mentioned in the paragraph above can face sanctions in the form of a temporary suspension. The application of sanctions to Notaries is based on criteria for violations committed by Notary officials. Regarding the imposition of sanctions, namely temporary suspension from office, it has its own scope, divided into several levels, starting from temporary suspension, honorable dismissal, to dismissal without honor.

Article 9, paragraph (1), letter d of UUJN specifically regulates the temporary suspension of Notaries in the event of a violation of duties, prohibitions, and the Code of Ethics of Notaries. At present, it cannot be denied that many Notaries are involved in various cases, one of which is the violation of duties, prohibitions, and ethics, such as neglecting responsibilities in reading deeds in front of the parties and witnesses, not applying honesty in their duties, such as falsifying the contents of the deed or not correctly explaining the interests of the parties involved in the deed they create, signing deeds whose drafting process has sent a draft to clients for signature (Salim, 2020), and so on. These issues are often a result of negligence by the respective Notaries. Notaries involved in such cases typically fail to apply the principle of caution in performing their duties, a principle crucial for Notaries.

Given these provisions, a more in-depth study and analysis of the implementation (execution) of Article 9, paragraph (1), letter d of UUJN through empirical studies is needed. This research is necessary to assess the effectiveness of Article 9, paragraph (1), letter d of UUJN, examining how a regulation created for implementation is applied. Additionally, the interest in conducting this research arises from the curiosity about the effectiveness of a specific legal regulation, particularly UUJN, which not only relates to but also serves as the basis for the execution of the duties and obligations of Notary officials.

Based on the aforementioned background, this research is crucial to determine and further analyze the extent to which a regulation is important for its implementation by members, ensuring legal certainty. Therefore, the study aims to analyze the number of problematic Notary deeds from a legal perspective and the efforts made by the Notary Supervisory Board to minimize violations committed by Notaries.

2. Methodology

The research employed various approaches, namely the Statute Approach, Conceptual Approach, and Sociological Approach. The data collection techniques encompassed both primary and secondary data. Primary data, obtained through interviews, observations, and questionnaires, involved direct question-and-answer interactions between the researcher and respondents or informants to acquire information. Questionnaires,

structured written sets of questions based on the research proposal, were utilized to collect primary data directly from pre-determined respondents at the research location. Secondary data encompassed the collection and documentation of relevant books, journals, scholarly papers, dictionaries, and documents related to the research issue, drawn from literature or legal sources, including primary, secondary, and tertiary legal materials.

The acquired data, both primary and secondary, underwent an analysis of legal application, representing the execution of the law itself, where the law is formulated to be implemented. The research involved scrutinizing and assessing legal issues based on the data collected in the field, subsequently associating them with existing legal applications, theories, principles, and legal norms to derive answers to the formulated problems. All gathered data were carefully selected, sorted, and processed, followed by a thorough examination and analysis aligned with the legal issues at hand. Subsequently, conclusions were drawn. The conclusions or deductions in empirical legal research generally adhere to deductive reasoning, drawing conclusions from a broadly formulated problem to a specific concrete issue faced (Muhaimin, 2020).

3. Result and Discussion

3.1 Implementation Of Article 9 Paragraph (1) Letter D of Law Number 2 of 2014 Concerning Notary Position

A. Violations of Notarial Duties and Code of Ethics

Violations of the Code of Ethics commonly encountered or observed by the Regional Supervisory Council include failure to sign within the jurisdiction, discrepancies in office sign size in accordance with Notary Code of Ethics provisions, having another branch office, meaning opening two workplaces, not opening an office even after being sworn in, leaving the office for 7 consecutive days during 7 working days, and other ethical code violations.

Based on the research conducted at the Secretariat of the Regional Supervisory Council for the Province of West Nusa Tenggara, it was found that four Notaries in West Lombok Regency were involved in cases of violating their duties, with violation types as mentioned in the table above. It can be concluded that within a span of 7 years, a total of 6 violations were found, each pertaining to breaches of duties and authorities. Additionally, a number of problematic legal notarial deeds were discovered from 2012 to 2023, totaling 19 notarial deeds. Due to the confidential nature of notarial deeds, further specifications or details regarding these problematic deeds cannot be elaborated upon in this discussion. Thus, based on the author's opinion, the more dominant or frequently committed violations by Notaries are violations of Notarial duties. Violations of the Notarial Code of Ethics are also common but are not reported to the Secretariat of the Regional Supervisory Council for Notaries in West Nusa Tenggara since the Supervisory Council's role is more preventive.

Violations committed by Notaries are caused by several factors. Here are some reasons or factors causing violations by Notaries:

a. Lack of Knowledge Factor

Notaries, in carrying out their duties, must possess extensive knowledge and insights, balancing theoretical and practical knowledge to produce good legal products that provide legal certainty for clients. One common knowledge area that Notaries must have is about agreements. Notaries must have extensive knowledge of agreements to understand the intentions and objectives of the parties involved and fulfill the desires of clients. Notaries, like any professional, are not immune to errors or lack of knowledge, meaning a lack of knowledge about applicable rules or other relevant knowledge related to their work. Therefore, Notaries must continuously upgrade their knowledge and keep up with regulatory developments since knowledge in this field continually evolves, and rules are regularly updated to match legal developments and the needs or general interests of the public.

b. Lack of Care Factor

Notaries, in fulfilling the needs and interests of clients, need to be cautious by applying the principle of caution. The principle of caution is one of the most important principles that Notaries must apply in carrying out their duties as public officials. This principle requires Notaries to be cautious in performing their duties, consistently adhering to legal regulations in the notary field based on professionalism and good faith. Although the Notary Position Law does not explicitly mention the principle of caution in its articles, elements of certainty, accuracy, and caution are clearly reflected in most articles of the Notary Position Law. Notaries are seen as figures whose statements can be relied upon, trustworthy, and whose signature and seal provide strong guarantees and evidence in the authentic deeds they create (Putri, Anwary, & Haiti, 2022).

c. Good Relationship Factor with Clients

The relationship between Notaries and clients constitutes a contractual relationship involving legal services. In this case, the Notary acts as a legal service provider, and the client is an individual or

legal entity receiving legal services from the Notary. The rights and obligations arising from the relationship between the Notary and the client are as follows (Kosuma, 2021):

- The Notary's right to receive fees from the client (fees), and the client has an obligation to provide remuneration for services in the form of fees as agreed upon by both parties.
- The client's right to obtain an authentic deed guaranteed in form and validity according to regulations.

The existence of rights and obligations between the Notary and the client gives rise to a good relationship between the Notary and the client in terms of legal services. When the client perceives the legal services provided by the Notary as good and satisfactory, the client trusts the Notary for future legal acts. However, this situation can create opportunities or conditions that may lead to certain actions. For example, if a client and a Notary have engaged in multiple transactions, there may be a situation where the client needs to sign a deed according to the rules, but the client cannot come to the office. The Notary then contacts the client and sends the document to the client's location. By doing so, the Notary violates the rules and breaches the obligations and Code of Ethics set out in the Notary Position Law and the 2015 INI Code of Ethics.

Furthermore, according to Indra Firmansyah, the underlying factors contributing to violations committed by Notaries essentially stem from the loopholes utilized between clients and Notaries. This implies that there may be information either omitted or exaggerated, or specific requirements needed by clients from the Notary. However, these aspects are not fundamental issues. Nevertheless, when discussing the Code of Ethics, these circumstances could potentially criticize established norms. Therefore, in relation to the Code of Ethics implemented by Notaries in assisting clients, there may be overlaps with regulations, signifying that "Notaries may not lack an understanding of regulations, but rather, in assisting clients." In essence, it is not a matter of a lack of understanding of regulations, but rather a response to clients' needs. Since deeds, whether formal or informal, may touch upon ethical considerations, they could inadvertently intersect with the Code of Ethics.

B. Sanctions for Violations of Office and Notary Code of Ethics

The implementation of the Law on Notary (UUJN) and the Code of Ethics, as observed empirically by Dwi Ratna Kurniasari, reveals perceived inefficacy in the imposition of sanctions upon Notaries by the Regional Supervisory Board. This is attributed to the annual frequency of Notary supervision. The efficacy of the Regional Supervisory Board ought to align with expectations of instigating substantive changes. Instances of incongruent Notary protocol violations are frequently identified. While the Supervisory Board records Notarial violations, there is a noticeable absence of subsequent actions. A reassessment by the Supervisory Board is imperative to ascertain whether the Notary has adhered to the provided advice or implemented improvements; however, such continued scrutiny is conspicuously lacking. There is a requisite need for subsequent actions to validate the rectification status.

A significant impediment lies in financial constraints, originating from central sources. The examination process necessitates transportation funds, yet governmental, academic, or organizational constraints impede officials from conducting effective investigations, thereby diminishing the efficacy of supervision. Coordination meetings are convened to enhance the performance of the Supervisory Board, intending to provide insights into tasks and authorities for improved effectiveness.

Conversely, the execution of sanctions by the Regional Supervisory Board against Notaries who violate regulations has proven effective. Upon receipt of reports from the Regional Supervisory Board, prompt actions are taken based on the documented reports. Challenges arise, however, due to the absence of fundamental funds from central authorities. Despite the absence of inherent obstacles in imposing sanctions on Notaries for violations, there exists a necessity to elucidate administrative aspects, such as the format of summonses and the technical details referred back to the Regional Supervisory Board. In relation to the imposition of sanctions on Notaries for violations, the process involves the submission of reports by the public to the Regional Supervisory Board, with subsequent sanctions imposed by the Regional Supervisory Board on problematic Notaries. The procedural steps for examination are delineated as follows:

a. Receipt of reports of violations

Reports are constituted as complaints from the public, portraying them as victims of Notary behavior and/or actions, and also emanate from the authority of the Supervisory Board. The submission of reports is regulated by Articles 7, 8, and 9 of the Minister of Law and Human Rights Regulation No. 15 of 2020, detailing the Procedures for the Examination of the Supervisory Board Against Notaries.

b. Administrative examination

The administrative examination of incoming reports is meticulously governed by Articles 10, 11, 12, and 13 of the Minister of Law and Human Rights Regulation No. 15 of 2020, outlining the Procedures for the Examination of the Supervisory Board Against Notaries. Commencing with the recording of the report by the Secretary of the Supervisory Board, it is subsequently entered into the Supervisory Board's incoming mail, administratively handled in the case register, and presented to the Examination Board.

c. Summoning the Notary

As articulated in Article 15 of the Minister of Law and Human Rights Regulation No. 15 of 2020, the procedure mandates the summoning of the Notary.

d. Examination by the Regional Supervisory Board

The procedure for examination by the Regional Supervisory Board is meticulously outlined in Articles 17 to 23 of the Minister of Law and Human Rights Regulation No. 15 of 2020. Following the receipt and administrative examination of the report, the Regional Supervisory Board proceeds with a comprehensive examination, scrutinizing for violations. If substantiated, the Regional Supervisory Board provides examination recommendations to the Regional Supervisory Board, encapsulated in an Examination Report (BAP). These recommendations may include sanctions for problematic Notaries. However, resolutions can be sought within the Regional Supervisory Board through mediation, contingent upon agreements between the aggrieved client and the problematic Notary. Successful mediation obviates the necessity to escalate the report to the Regional Supervisory Board.

e. Examination by the Regional Supervisory Board

Examination by the Regional Supervisory Board is instigated upon receipt of a report from the Regional Supervisory Board. The procedural framework for examination by the Regional Supervisory Board is meticulously delineated in Articles 24 to 25 of the Minister of Law and Human Rights Regulation No. 15 of 2020, expounding on the Procedures for the Examination of the Supervisory Board Against Notaries.

In summation, originating from the lower echelons of the Regional Supervisory Board receiving reports from the public, the subsequent examination is conducted to discern any violations. The examination culminates in the production of an Examination Report (BAP) and recommendations, providing a detailed exposition of errors and suggesting sanctions. These recommendations are then transmitted to the Regional Supervisory Board, which subsequently enforces sanctions.

In the context of the imposition of sanctions on Notaries for violations of office and the Notary Code of Ethics, a recommendation for temporary suspension for three months may be provided by the Regional Supervisory Board (MPD). Subsequently, this recommendation is conveyed to the Regional Supervisory Board (MPW), which re-evaluates whether the temporary suspension recommendation is accepted or rejected. Additional sanctions, potentially more severe, may be imposed based on the gravity of the committed violations. The examination process unfolds from MPD to MPW, and if the violations fall into the category of serious offenses, further examination is conducted by the Central Supervisory Board (MPP). The MPP level is more rigorous, involving central examinations with the possibility of termination from the position.

Numerous violations occurring contradict the provisions of UUJN (Law on Notary) and the Notary Code of Ethics. Fundamentally, before officially assuming their duties, Notaries take an oath known as the Notarial oath and pledge. This oath aims to ensure that Notaries adhere to regulations and the Notary Code of Ethics, prioritizing the principles of caution and meticulousness based on professional ethics and applicable legal regulations.

Article 9, paragraph (1) letter d of UUJN-P states:

"A Notary is temporarily suspended from their position for committing violations against the duties and prohibitions of the profession and the Notary Code of Ethics."

In West Lombok Regency, sanctions such as temporary suspension for Notaries have been implemented in the past, but currently, no Notary has received temporary suspension. Instead, written warnings are more commonly issued, as discussed earlier.

The imposition of sanctions and the dismissal of Notaries based on the examination results are regulated by Article 47 of the Minister of Law and Human Rights Regulation No. 15 of 2020 regarding the Procedures for the Examination of the Supervisory Board Against Notaries, which states:

a. If the examination results declare a Notary guilty of committing professional and behavioral violations, the respective Notary is subject to administrative sanctions.

b. Sanctions as mentioned in paragraph (1) may include:

- Written warnings;
- Temporary suspension;
- Honorable dismissal; or
- Dismissal with dishonor.

Continuing with Article 48, which stipulates:

a. In implementing written warnings as mentioned in Article 47 paragraph (2) letter a, the Chair of the Regional Supervisory Board issues a decision on the imposition of written warnings.

b. The decision on the imposition of sanctions as mentioned in paragraph (1) is conveyed to the Respondent, with a copy sent to the Reporter, Regional Supervisory Board, Regional Supervisory Board, and the Central Management of the Indonesian Notary Association.

Meanwhile, the provisions for temporary suspension sanctions are outlined in Article 49, Article 51, Article 52, and Article 53 of the Minister of Law and Human Rights Regulation No. 15 of 2020 regarding the Procedures for the Examination of the Supervisory Board Against Notaries.

Article 49 specifies:

- a. In the implementation of temporary suspension sanctions as mentioned in Article 47 paragraph (2) letter b, the Minister issues a decision on temporary suspension and appoints a Notary Protocol holder while temporarily blocking the Notary's account.
- b. The decision on the imposition of sanctions as mentioned in paragraph (1) is conveyed to the Respondent, with a copy sent to the Reporter, Regional Supervisory Board, Regional Supervisory Board, and the Central Management of the Indonesian Notary Association.

Article 51 states:

- a. A Notary who is subject to temporary suspension sanctions as mentioned in Article 47 paragraph (2) letter b, letter c, and letter d must hand over the Notary Protocol.
- b. The handover of the Notary Protocol as mentioned in paragraph (1) is carried out by the Notary to the longest-serving Notary Protocol within 14 (fourteen) days of receiving the decision.
- c. The handover of the Notary Protocol as mentioned in paragraph (2) is documented in a handover report of the Notary Protocol, signed on a stamp duty by the Notary to the Notary Protocol holder, known by the Regional Supervisory Board.
- d. If the handover of the Notary Protocol is not carried out within the period as mentioned in paragraph (2), the Regional Supervisory Board has the right to take over the handover of the Notary Protocol.

Article 52 stipulates:

- a. A Notary who has completed the temporary suspension sanction must report to the Regional Supervisory Board for:
 - The issuance of a statement that the sanction has been implemented, and
 - The handover of the protocol from the Notary Protocol holder to the concerned Notary.
- b. Regarding the report as mentioned in paragraph (1), the Regional Supervisory Board issues a certificate confirming the implementation of the sanction and a handover report of the protocol submitted to the Central Supervisory Board for unblocking the Notary's account.

Article 53:

- a. A Notary who has been subject to dismissal, either temporary or honorable dismissal, or dismissal with or without honor, is prohibited from carrying out their duties.
- b. If a Notary continues to perform their duties in the drafting of deeds, the Notary is considered to be engaging in unlawful conduct.

To assess and analyze why a legal rule related to sanctions for Notaries who violate their duties and the Notary Code of Ethics is perceived as ineffective by the Regional Supervisory Board in addressing violations committed by Notaries, factors such as law enforcement and the facilities supporting law enforcement are considered. The effectiveness of this legal rule is influenced by the enforcement capabilities of the Regional Supervisory Board and the availability of resources to support law enforcement. In this regard, financial constraints from the central government have been identified as a significant hindrance, impacting the efficacy of the Regional Supervisory Board in conducting thorough investigations.

Despite the challenges, it is noteworthy that the legal provisions stipulated in UUJN-P and Minister of Law and Human Rights Regulation No. 15 of 2020 establish a structured framework for the examination and imposition of sanctions on Notaries. The process involves a hierarchical examination, starting from the Regional Supervisory Board and escalating to the Central Supervisory Board for severe violations. The sanctions range from written warnings to temporary suspension, honorable dismissal, or dismissal with dishonor.

In summary, while the legal framework exists for the examination and imposition of sanctions, challenges such as financial constraints and administrative aspects need to be addressed to enhance the effectiveness of the Regional Supervisory Board in enforcing the law against Notaries who violate their duties and the Notary Code of Ethics.

3.2 Efforts of the Notary Supervisory Board to Mitigate Violations by Notaries

A. Authority of the Notary Supervisory Board in Sanctioning Notaries

The Notary Supervisory Board, hereinafter denoted as the Supervisory Board, constitutes an entity vested with the authority and responsibility to oversee and guide Notaries in the execution of their duties. This encompasses scrutiny of both the professional conduct of Notaries and their adherence to the Notary Code of Ethics. Broadly, the Supervisory Board possesses the jurisdiction to convene hearings to investigate purported breaches of the Notary Code of Ethics or deviations in the execution of Notarial duties (Article 70 letter a, Article 73 paragraph (1) letter a and b, Article 77 letter a and b UUJN). These articles confer upon the Supervisory Board the prerogative to conduct hearings for the examination of:

- a. Alleged breaches of the Code of Ethics.
- b. Suspected violations of Notarial duties.
- c. Conduct by Notaries beyond the scope of their official responsibilities, capable of disrupting or influencing the proper execution of Notarial duties.

Hirsanuddin, serving as the Chairman of the Regional Supervisory Board of West Lombok District, elucidates that the primary objectives of this oversight are to guide Notaries in refraining from actions that contravene established regulations and norms. In instances of non-critical issues, the Regional Supervisory Board or the Central Supervisory Board will engage in mentorship of the implicated Notaries. Conversely, in cases of egregious violations significantly tarnishing the honor of Notaries and involving infractions of UUJN and the Code of Ethics, the Regional Supervisory Board issues recommendations to the Central Supervisory Board. The latter subsequently summons the Notary and, based on these recommendations, may impose sanctions.

Regarding sanctions, such as written warnings, a failure to heed three written warnings prompts escalation to the Central Supervisory Board for a six-month suspension. Thus, while the Regional Supervisory Board handles supervision, guidance may manifest in the form of sanctions. In the author's perspective, grounded in the delegation and attribution of authority, it can be inferred that the authority of the Notary Supervisory Board to impose sanctions on Notaries is derived from both delegation and attribution.

a. Delegated Authority

Originating from its genesis, the authority to supervise and scrutinize Notaries fundamentally rests with the Minister. Referring to Article 67 of UUJN-P:

- Oversight of Notaries is undertaken by the Minister.
- In executing supervision, as stipulated in paragraph (1), the Minister establishes the Supervisory Board.
- The Supervisory Board, as outlined in paragraph (2), comprises 9 (nine) members, featuring:
 - 3 (three) representatives from the government;
 - 3 (three) representatives from Notary organizations; and
 - 3 (three) experts or academics.
- In the event of a region lacking government representatives as specified in point c number 1, membership in the Supervisory Board is filled by other representatives appointed by the Minister.
- Supervision, as delineated in point b, encompasses the behavior of Notaries and the execution of Notarial duties.
- Provisions regarding supervision, as intended in point e, apply to Substitute Notaries and Temporary Notary Officials.

Thus, legal certainty pertaining to the authority to supervise Notaries lies with the government under the Ministry of Law and Human Rights. In this context, the Minister delegates this authority to the Notary Supervisory Board formed under UUJN. UUJN emphasizes that the Minister oversees Notaries, and the Minister's authority for such oversight is delegated through delegation to form the Notary Supervisory Board, rather than to execute the functions of the Supervisory Board.

b. Attributed Authority

The establishment or delegation of authority to the Notary Supervisory Board to conduct examinations, hearings, and impose sanctions is based on legal principles distinguishable by their sources or origins. In this instance, the authority of the Notary Supervisory Board to impose sanctions emanates from a legislative framework, specifically the Notary Profession Law, articulated in Article 73 paragraph (1) letter e of UUJN-P. This provision bestows upon the Regional Supervisory Board the authority to issue both oral and written warnings. Similarly, the Central Supervisory Board is empowered to impose temporary suspensions per Article 77 letter c of UUJN and propose dismissals with dishonor to the Minister under Article 77 letter d of UUJN.

B. Efforts of the Notary Supervisory Board in Minimizing Violations by Notaries

Efforts denote activities undertaken to achieve desired objectives, particularly in the context of attaining specific purposes. In this regard, the efforts that the Notary Supervisory Board can employ refer to the conferred authority, encompassing supervision, guidance, and training.

The supervision carried out by the Notary Supervisory Board is by no means facile. Violations are undeniable, often rooted in the self-awareness of the Notary. Therefore, it is crucial for Notaries to uphold honesty and exercise caution in performing their duties to avoid engaging in actions or behaviors contrary to legal regulations.

The supervision of Notaries by the Notary Supervisory Board aims to ensure that Notaries carry out their duties and authorities in accordance with the specified guidelines, adhering to both UUJN and the Notary Code of Ethics. This ensures legal certainty and protection for the public.

Article 1 number 6 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 16 of 2021 defines supervision as preventive and curative activities, including guidance, conducted by the Supervisory Board over Notaries. Hence, there are three tasks performed by the Supervisory Board:

a. Preventive Supervision.

Preventive supervision aims to avert violations of Notarial duties. The *Majelis Pengawas Notaris* achieves this by organizing seminars on notarial practices to enhance knowledge and provide information on the notarial world. Monthly meetings attended by the Regional Supervisory Board are conducted to provide guidance on adherence to UUJN and the Notary Code of Ethics. Additionally, the Regional Supervisory Board visits Notary offices at least once a year to check the Notary protocol. Moreover, the Notary Supervisory Board conducts awareness campaigns for Notaries, the public, and law enforcement, emphasizing the existence and role of the Notary Supervisory institution. This aims to educate these parties about the rights and obligations of Notaries. If the public is harmed by a Notary, they can report the incident to the Notary Supervisory Board, the authorized institution for examination and complaint reception.

Preventive supervision for Code of Ethics violations includes reflection sessions on the Notary Code of Ethics, seminars, and regular visits by the Supervisory Board to Notary offices. Passive preventive supervision, relying on reports from the public accompanied by various evidence, is also part of this effort (Madyastuti, 2020).

b. Curative Supervision.

Curative supervision involves corrective actions, comprising two methods:

- Resolution following the prescribed Notary examination procedure outlined in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 16 of 2021 on the Organization and Procedures for the Appointment and Dismissal, as well as the Budget of the Notary Supervisory Board.
- Resolution using Alternative Dispute Resolution (ADR) methods, where disputes are settled outside the court through agreed-upon procedures such as consultation, negotiation, mediation, conciliation, or expert assessment. This process outside the court results in win-win resolutions, ensuring confidentiality, avoiding procedural and administrative delays, resolving issues comprehensively in collaboration, and maintaining good relationships (Setiawati, Sarjana, & Dharmadha, 2018).

c. Guidance.

Guidance for Notaries is a means to rectify, align, and enhance Notarial performance. If a Notary commits violations during their duties, the Notary Supervisory Board, as the forefront guardian of Notaries, is empowered to provide guidance for the professional development of Notaries.

Ahmad Taneh adds that guidance is assistance provided by individuals or groups to achieve specific goals for individuals or a group through mentoring to develop skills and capabilities for the realization of desired aspirations (Tanzeh, 2009). Guidance for Notaries aims to prevent violations of the Code of Ethics and Notarial duties. If there is a violation, the Notary Supervisory Board has the authority to impose sanctions. Guidance is provided when there is a report from the public or during periodic examinations of Notary protocols.

Obstacles or challenges in providing guidance to Notaries should not only be addressed once a year, but there should be follow-up actions after examinations. Besides examinations, seminars or training should be conducted to ensure that Notaries understand the correct procedures. Thus, after the annual examination, continued guidance should include ongoing training and further examinations. The author emphasizes the importance of providing training to Notaries as a form of preparation for their role as public officials, considering the obligations and prohibitions mandated by UUJN and the Notary Code of Ethics. This is crucial for enhancing the professionalism of Notaries in their duties, ensuring they keep abreast of legal developments, and directing them towards creating legally sound outcomes.

Supervision conducted by the Supervisory Board encompasses not only the execution of Notarial duties in compliance with UUJN but also adherence to the Notary Code of Ethics and the behavior of Notaries that may compromise the dignity of the Notarial profession under the Supervisory Board's purview (Article 67 paragraph (5) UUJN). This illustrates the comprehensive scope of supervision carried out by the Supervisory Board.

Supervision of the execution of Notarial duties with precise standards in UUJN is intended to ensure that all UUJN provisions governing the execution of Notarial duties are adhered to by Notaries. If violations occur, the Supervisory Board can impose sanctions on the implicated Notary.

Supervision in the field of the Code of Ethics involves addressing Code of Ethics issues initiated by the Regional Supervisory Board. If the Regional Supervisory Board determines that the Notary has violated the

Code of Ethics, the case is forwarded to the Central Supervisory Board. Subsequently, the Central Supervisory Board conducts a Code of Ethics hearing. Violations by Notaries often stem from breaches of the Code of Ethics, which in turn affect their professional duties.

The application of UUJN and the Notary Code of Ethics in public law is based on findings by the Notary Supervisor regarding violations of UUJN and the Notary Code of Ethics. There are two methods for conducting supervision:

a. Direct, Unscheduled Supervision

The Notary Supervisory Board directly visits Notary offices, conducting supervision annually within a specified timeframe. The supervision of 59 Notary offices in West Lombok District is performed periodically. Violations discovered during these examinations typically pertain to the examination of Notary protocols.

b. Complaints or Reports from the Public

Citizens submit written complaints to the Regional Supervisory Board, asserting that a Notary has committed a violation. For instance, cases involving debts and payments or reports of non-submission of BPHTB to the owner. Upon receiving a complaint, the Regional Supervisory Board conducts an examination and resolves the issue through mediation.

In relation to the efforts of the Notary Supervisory Board to minimize Notary violations, an analysis is conducted using the legal certainty theory according to Gustav Redbruch. Legal certainty, as part of the effort to achieve justice, is manifested in the implementation and enforcement of the law against actions regardless of the individual performing them. Thus, the supervision, guidance, and training conducted by the Notary Supervisory Board reflect the realization of legal certainty to attain justice, aligning with the goals and principles of the supervision itself. The primary objective of supervision is to prevent Notaries from engaging in reprehensible actions. Therefore, Notaries are expected to act professionally, uphold commitments, and adhere strictly to the trust bestowed by the community. Thus, the enforcement and implementation of the law against Notarial duties function effectively, ensuring justice, legal certainty, and societal benefits.

4. Conclusion

The application of Article 9, paragraph (1), letter d, addressing breaches of duties and the Code of Ethics by Notaries is primarily executed through decisions rendered in examination hearings. The process starts with report reception by the Regional Supervisory Board (MPD), followed by administrative scrutiny. Subsequently, the MPD conducts a hearing examination to evaluate alleged violations. If proven, examination recommendations are issued to the Regional Supervisory Board (MPW) via the Examination Report (BAP), leading to sanctions imposed by the MPW based on the hearing outcomes. Simultaneously, the Notary Supervisory Board intensifies supervision through preventive, curative, and developmental measures, including unscheduled direct examinations and passive oversight relying on community reports. Developmental actions, prompted by the Regional Supervisory Board's reports and addressed by the MPW, may involve applying corrective sanctions.

Notaries, in carrying out their duties and professional ethics, are obligated to adhere to the prevailing legal regulations, namely the UUJN (Law on Notary Practices) and the Notary Code of Ethics, serving as the foundation and guideline for their profession. They must also observe the principle of prudence to prevent harm to themselves and others. Efforts to minimize violations by Notaries ultimately rely on the individual Notary's awareness and sense of responsibility in performing their duties, aligning with and obeying the applicable legal rules. Equally important is the role of the community in overseeing and consistently reporting any actions by Notaries that deviate from or contravene the established legal regulations to the local Notary Supervisory Board. Such reporting serves to minimize non-compliant actions by Notaries and is expected to enhance their awareness.

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