



Legal Protection for Notaries in Making Authentic Deeds in Indonesia

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Info Artikel

Submitted: 10/03/2023
Revised: 17/04/2023
Accepted: 26/06/2023

Keywords:

Legal Protection; Notary;
False Information; Adversary;
Authentic Acts

DOI:

<http://dx.doi.org/10.37253/jjr.v25i1.7612>

Abstract

A notary is a public official who has the authority to create an authentic deed and has other authority. This statement is stated in Article 1 of Law No. 2 of 2014 concerning Amendment to Law No. 30 of 2004 concerning Notary positions (hereinafter referred to as Law No. 2 of 2014). But there many cases about notary create authentic deed without any regards to ethics and fact. This problem actually a gap from this research. Gap from Law in the book and law in the practices. This type of study uses normative legal research. This study used two approaches, namely Conceptual Approach and Statute Approach. The specifications of this study are descriptive of analysis and qualitatively analyzed methods. Notary is required to be responsible for the deed she made, Notary runs her profession often subject to articles 263, 264, and 266 Jo Article 55 of the Criminal Code. The Notary Office Act does not specifically regulate the protection of the notary's law in the process of examining false information. The process of examining the Honorary Assembly does not provide legal protection, because the Law does not clearly regulate the protection law for Notary in criminal cases.



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A. INTRODUCTION

The Republic of Indonesia as a legal state based on Pancasila and the 1945 Constitution of the Republic of Indonesia guarantees certainty, order and legal protection for every citizen. Law Number 2 of 2014 concerning Notary Office, 2014 Along with developments in social life, of course, the need for legal certainty is of course in the field of public services. Notary is a profession that offers public services in the field of law, specifically civil law. Notary is a public official with the authority he has over making authentic deeds as stated in the law or based on other laws. This explanation is contained in Article 1 paragraph 1 of Law number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the position of Notary (referred to as Law Number 2 of 2014).

It can also be interpreted that a Notary is a public official who has the authority to make authentic deeds which are not specific to other officials, such as: bailiffs, court clerks making land deeds, civil registry employees, and others. As

stated in article 15 paragraph (1) of Law Number 2 of 2014 which reads “The Notary is authorized to make an authentic deed which contains the entire action, agreement and stipulation required by a general regulation or by interested parties. to be stated in an authentic deed, guarantee the certainty of the date, keep the deed and provide grosse, copies and excerpts, all of it as long as the making of the deed by a general regulation is not also assigned or excluded to other officials or other people determined by law”.

The authority possessed by a Notary as a public official in making a deed must be based on formal truth as to what has been notified by the parties to the Notary. According to (Subekti, 2007) “what is called a deed is a writing that is solely made to prove something or an event, therefore a deed must always be signed”. Meanwhile, (Martokusumo, 1998) argues “that what is called a deed is a letter that is signed which contains events that form the basis of a right/agreement that was made from the start intentionally for proof”. “So that the making of a notarial deed can be used as evidence in a legal dispute which is used as a tool to recall events that have occurred, so that it can be used for evidentiary purposes” (Notodisoerjo, 1982). Article 1866 of the Civil Code (hereinafter referred to as the Civil Code) “that written evidence is one of the means of written evidence”. In addition, Article 1867 of the Civil Code stipulates: “Evidence in writing is carried out with authentic writings or with private writings”.

The essence of a notary is a form of extension granted by the state, the state gives a mandate for a notary to be able to resolve some issues in law, especially in civil law (Tjukup et al., 2016). The position of a Notary is very important, because it can help the community in creating certainty and legal protection for an authentic deed. The law and society give trust to the notary profession, thus, obliging notaries to be maximally responsible for the trust they receive and to uphold legal ethics, dignity and nobility of the notary profession (Jalal & Wahyuningsih, 2018).

As a general official, a Notary must obey and comply with the Law on Notary Position (UUJN) and also the Notary Code of Ethics. If in making a notarial deed it turns out that there is a case or dispute or even a lawsuit, then the deed becomes a question. Does the deed that has been made include a mistake made by a notary and deliberately gives an advantage to one of the clients or this occurs as a result of the appearer's mistake in providing false documents or statements (Utama & Anand, 2018). So, if the deed has legal defects due to an error from the Notary either negligence or negligence, the Notary is required to be responsible both from a moral and legal perspective which certainly needs to be proven (Mansyur, 2013).

The Law on Notary Office stipulates that in carrying out their duties and functions, if they are proven to have committed a crime contrary to the Law, they will be not subject to criminal sanctions because criminal sanction not regulated in UUJN. UUJN only regulate civil, administrative, ethical code of conduct

sanctions. criminal sanctions will be imposed if the Notary is in carrying out his duties has fulfilled the elements of a certain offense criminal acts under the Book of Laws Criminal Law (KUHP). In the absence of sanctions criminal law in UUJN then the regulation regarding the sanction against the Notary becomes less than perfect. In fact, several Notaries were investigated based on investigations into deeds made before a Notary who committed a criminal act, such as participating in the forgery of a Notary's letter or deed (Nurlete, 2020).

In practice, it is often found that if there is a notarial deed disputed by the parties or other third parties, the notary is often withdrawn as a party that participated in committing or assisting in committing a crime, namely making or providing false information in a notarial deed (Adjie, 2008). In essence, notaries in carrying out their duties are often summoned by investigators as suspects in connection with the fake deed they made. In Indonesia cases like this often take place in various regions, with the aim of personal interests or the interests of the appearers. Of course, this kind of behavior has a very crucial impact on the aggrieved parties, therefore it is very interesting to study and analyze further in a legal study. Therefore, the author wants to explain in more detail in this study entitled "Legal Protection for Notaries in Making Authentic Deeds". this research was different with previous research with title "The Legal Protection for Notaries against Making of Deeds Based on Document Following by Acceptors". This previous research focus is on the document and acceptors (Adjie, 2008) and it have differentiation with this research which focused on how good deeds is based on he law and society trust to the notary professions thus Notary should act according Notary ethics.

The second research is Roles and Responsibilities of Notary in Deed Making Agreement on Sale and Purchase Agreement When the Parties Disputes. This previous research focused on the notary responsibility in deed making agreement when its parties disputes over their sale and purchase (Adjie, 2008). This research focused on the responsibility from notary to making authentic deeds, even without any disputes and conflicts. Based on the description of the background above, what is the main problem in writing this research is how is the legal protection for a notary who is examined by an investigator as a result of false information given by the appearer in making an authentic deed? And what is the responsibility of a notary as a public official for unlawful acts in making authentic deeds? Furthermore, the main objective in writing this research is to analyze and examine more deeply related to legal protection for Notaries if in making authentic deeds there is false information given by the appearer, as well as to analyze and study more deeply regarding the responsibility of a Notary as a Public Official for unlawful acts in making authentic deeds.

B. RESEARCH METHOD

This type of research uses normative juridical law. Writing this research examines the applicable laws and regulations and analyzes a previous legal issue. Peter Mahmud Marzuki argues that “normative legal writing is perspective in which the object of legal science is coherence between legal norms and legal principles, between legal rules and legal norms, and between individual behavior and legal norms” (Peter Mahmud Marzuki, 2014). In writing this article, the author used 2 (two) approach methods, namely the Conceptual Approach. This approach is used to examine the concept of notary legal protection in making authentic deeds based on forgery of letters by appearers with several principles, theories, and concepts, namely the theory of legal protection, the theory of legal certainty, and the theory of justice. This research review is based on supporting literature from legal experts as well as the opinions of experts and the Statute Approach which contains provisions of laws and regulations relating to the issues discussed by looking from the perspective of legal norms (Petter Mahmud Marzuki, 2015).

Material collection techniques in writing this publication article the author uses the technique of library research (library research). The data analysis method that the author uses is a qualitative approach, where data analysis is carried out in a comprehensive way and is included in one whole (holistic). It is often known that this method does not only prioritize the quantity of data, but also prioritizes its depth. Considering that there is a change regarding the view of a legal protection for a Notary for the existence of false statements from the parties which are used as the basis for making an authentic deed. In this regard, do not rely only on a court decision that has been analyzed with the intention that it is meant that only one or two court decisions are enough to describe a change in law.

C. RESULTS AND DISCUSSIONS

Legal Protection for Notaries in Making Authentic Deeds in Indonesia

Legal protection must be based on a provision and rule of law that functions to provide a sense of justice and can be used as a means to realize prosperity for all people (Afifah, 2017). Protection, justice, and welfare are aimed at legal subjects such as supporters of rights and obligations, notary is no exception (Adjie, 2009). The existence of a Notary as a public official in carrying out all his duties in providing services to the wider community is considered important in order to obtain legal protection and guarantees to obtain legal certainty (Putra & Yahya, 2022). The right of a notary to be respected, protected and obeyed is a form of legal protection for the profession of a notary as an official and the result of the transformation of interests is realized in the legislative process in maintaining the preservation of the legal form.

Based on Article 50 of the Criminal Code there is an explanation that provides legal protection to Notaries that: “whoever commits an act to carry out

statutory regulations, may not be punished". The meaning of article 50 of the Criminal Code for a Notary is not only to provide protection to a Notary to abolish or provide freedom from the crime he has committed, but to see that the Notary has the authority where this rule has been explained in the Law on Notary Office (UUJN) whether this Notary deed was made included in the actions in accordance with applicable regulations. (Marpaun, 2008) Furthermore, the Law on Notary office, to be precise, article 4 regarding the notary's oath of office and notary's obligations in Article 16 paragraph (1) letter e is explained so as not to speak, even if before a court it means that a Notary is not allowed to give testimony/statement on content contained in a deed (Adjie, 2012).

The Law on Notary Office regulates legal protection aimed at Notaries when carrying out their profession as public officials, this explanation is contained in Article 66 paragraphs (1), (2) UUJN concerning taking minuta deed and summons of Notary which states (Peraturan Perundang-Undangan Undang-Undang Nomor 2 Tahun 2014 Tentang Jabatan Notaris. Kitab Undang-Undang Hukum Pidana., 2014): (1) "In the interest of the judicial process, investigators, public prosecutors, or judges with the approval of the Notary Ethics Council have the authority to: (a) Take a copy of the minutes of the deed and/or letters attached to the minutes of the deed or the Notary Protocol in the Notary's safekeeping; and (b) Summons the Notary to attend the examination relating to the deed he made or the Notary Protocol which is in the Notary's custody; (2) Taking photocopies of minuta deed or letters as referred to in paragraph (1) letter a, making minutes of submission.

Legal protection for a notary is normatively provided by the applicable laws and regulations, namely: (1) The Oversight Council was formed by the Minister as explained in Article 67 UUJN, which consists of 3 (three) elements including the government, Notary organizations and academics. This supervision consists of supervising the implementation of the office of a Notary; The procedure used for taking the minuta deed and summoning a Notary Public, as explained in Article 66 UUJN which reads "that for the purposes of the judicial process, investigators, public prosecutors or judges with the approval of the MKN are authorized to take photocopies of the Minuta Deeds and the letters attached on the minutes of the deed, summoning a notary in an examination related to the deed". This means that when an examination is carried out regarding a criminal case, legal officials are required to follow the procedures for summons. If the Notary Honorary Council disagrees, then the Notary is not required to be present during the investigation process because this Article is deemed to have provided a legal protection for a Notary; (2) The Notary's Right to Refusal has been explained in: 1. Article 170 of the Criminal Procedure Code; 2. Article 1909 number 3 of the Civil Code; 3. Article 146 paragraph (1) number 3 HIR; 4. Article 277 HIR; 5. Article 4 UUJN and 6. Article 16 paragraph (1) letter e UUJN; (3) Jurisprudence can be used as a basis for consideration of several cases that are related to criminal acts experienced by

Notaries which have been listed in the Supreme Court Decision Number.702K/SIP/1973, this context explains that Notaries have a role in recording/writing down information given by the appearer. The notary is not authorized in terms of material investigation regarding the statement of the appearer.

The capacity of a Notary as a public official to represent on behalf of and for the benefit of the state, makes a Notary have special rights, such as the right of denial (Putra & Anand, 2018). This right is important as a means or container for judicial protection against a notary in the course of sentencing. This is explained in article 50 of the Criminal Code (KUHP) that: "Whoever commits an act to carry out the provisions of the law shall not be punished." If you are going to summon a Notary, police, prosecutor or judge, you must first obtain approval from the Regional Supervisory Council (MPD), because the absence of approval from the Regional Supervisory Council makes the investigating officer unable to summon or question the Notary directly. The procedures for summoning the Notary are listed in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.03.HT.10. Year 2007 concerning Retrieval of Minutes of Deeds and Summons of Notaries (Wiradiredja, 2016).

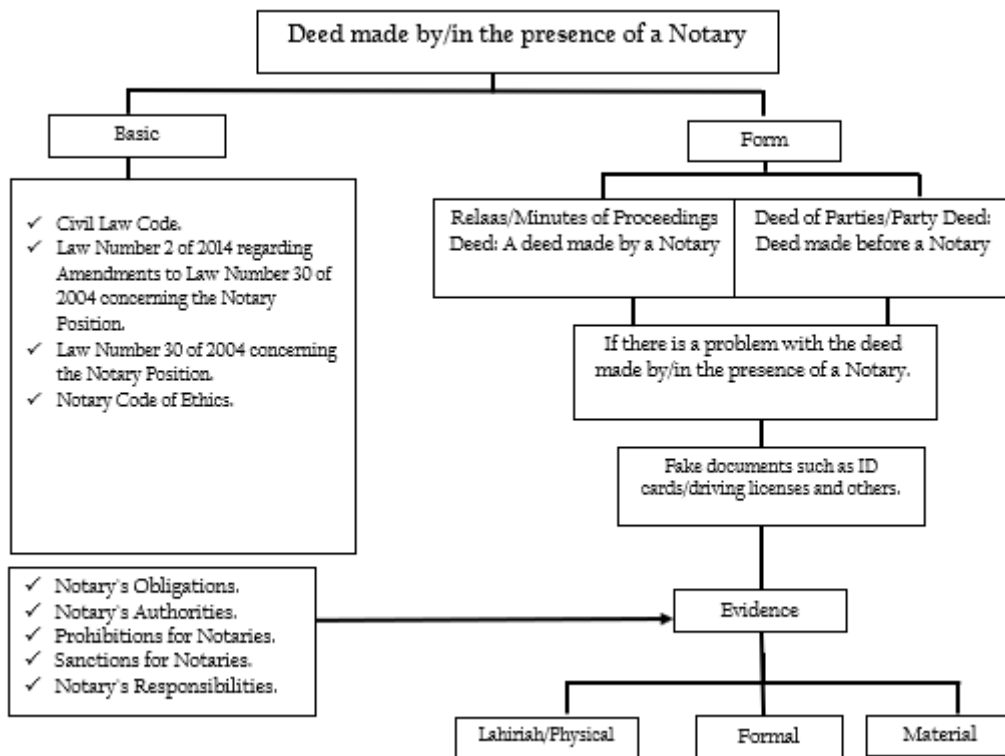
If the Notary is proven to have committed a criminal offense when making the deed, the investigator who summoned the Notary beforehand is required to make an application letter addressed to the Regional Supervisory Council (MPD). The Regional Supervisory Council (MPD) has the authority to conduct examination hearings related to allegations regarding a crime committed by a notary in making an authentic deed. Then, there was a change in the Notary Office Law such as the formation of a new Notary protection institution or often known as the Notary Honorary Council (MKN).

The Notary Honorary Council (MKN) is an independent institution whose function is to provide legal protection to Notaries, because the existence of an MKN is not part of the formation carried out by the government. MKN is not influenced by other subjects or institutions when exercising its decision-making authority, therefore MKN's decision in this matter cannot be contested. According to (Article 66 paragraph (3) 149 UUJN-P) "MKN has a period of 30 days in giving approval or not giving written approval to investigators since receiving the request letter from the investigator". If the answer is not received within that time period, the Notary Honorary Council is deemed to have accepted the request (Article 66 paragraph (4) UUJN-P (Wiradiredja, 2016).

Based on the explanation above, there is protection and scope for the authority possessed by the MKN institution, the hope is to get a bright spot regarding the existence of a legal protection aimed at Notaries, and can confirm the existence of the MKN institution. Another intention is that the Notary is not easily found guilty by other parties regarding a deed he made. Criminal Responsibility for

Notaries for the existence of a deed made based on False Statements from the Parties, in making authentic deeds the Notary is required to always be responsible for the deed that has been made if a problem occurs in the future. This is used as evidence in court so that the Notary is required to be able to provide a statement and testimony relating to the formal and material aspects of the contents of the deed.

The concept used by the Notary as a reference in making an authentic deed (Tabel 1):



Description Table 1. The notary's responsibility is very important and fundamental, seeing that the deed made before a notary will be strong and perfect written evidence. Notaries in terms of profession or daily life have guidelines including the Law on Notary Position and also the Code of Ethics which is used as the basis for Notaries when carrying out their duties, authorities, rights, obligations and prohibitions which are accompanied by legal sanctions for Notaries.

MKN institutions create transparency by providing legal protection to Notaries and clarifying the existence of the MKN institution. Notary institutions are also expected not to be easily blamed by other people related to the deed made by a notary. The notary's criminal responsibility for his actions is based on the existence of false information provided by the appearer in carrying out his office duties and is obliged to be accountable for his actions in real terms in the event of a lawsuit in the future. The notary has a function, namely that it can be used as

evidence in court and therefore the notary is required to provide information and testimony regarding the formal and material aspects of the contents of the deed.

The Law on Notary Office and the Notary's code of ethics do not explain the criminal responsibility of a Notary. UUJN only explains about the existence of civil and administrative legal sanctions. If there is a criminal violation committed by a Notary Public, a criminal sanction may be imposed in accordance with the provisions contained in the Criminal Code. Below are some notes explaining that the punishment can be imposed on a notary with limitations, namely: (1) There is a legal action taken by a Notary regarding the outward, formal and material aspects of a deed on purpose, done consciously and with pre-planned intentions; (2) There is a legal action taken by a Notary in making a deed; and (3) There are legal actions that are considered inconsistent with the assessment carried out by the Notary Honorary Council (Rahimi, 2017).

The notary cannot be held responsible if the mistakes made by the appearers contain elements of negligence and fraud, because the notary only has the authority in terms of recording what has been submitted by the parties so that it can then be included in the deed (*partij deed*). False statements submitted by the appearer will be the responsibility of the appearer himself. That is, the Notary will be responsible if the fraud or error comes from a Notary. In his relationship with a Notary who committed a criminal act on falsification of a deed or a criminal act on false statements made by the parties, there are no specific provisions in the UUJN regarding criminal rules because this is based on the principle of legality which is included in the principles of the Criminal Code.

For the sake of upholding the law, a Notary is required to comply with a criminal provision such as the explanation contained in the Criminal Code, and regarding the implementation process considering that a Notary in carrying out an act is in accordance with the capacity of his position so that he can know the difference by distinguishing the actions of a Notary who is used as a legal subject. Proving that a Notary is considered to have committed a criminal act in forging a deed or making a forged deed has been explained in Article 263, Article 264 and Article 266 which are based on the process of investigation and proof by looking for various elements of error and intentional actions by a Notary. It is intended that these actions can be accounted for both institutionally and within the scope of a notary as a legal subject.

Sudarto argues as quoted by Kartasmita that the principle of “no crime without fault” (*keine strafe ohne schuld* or *geen straf zonder schuld* or *nulla poena sine culpa*) applies (Rahimi, 2017), “*Culpa*” here in a broad sense, including the form of a deliberate. The error here is directed at the state of a person's soul in carrying out an act and the act is carried out in such a way as to cause a person to be blamed. In this regard, when viewed from a subjective perspective, there are 2 conditions, namely: There is an inner (intentional) relationship with the criminal

act to be realized; and There is an inner connection (intentional) for example by knowing between oneself and others, and even with what other participants are doing.

Furthermore, when viewed from an objective perspective, the actions committed by that person are related to a crime, or often known as the objective manifestation of the person's actions having a positive role/influence, big or small, in the occurrence of the crime. According to this second teaching, when viewed from an objective perspective, it focuses more on the form of an act and the extent to which the contribution and positive impact received from an act on the occurrence of the intended crime. This explanation has also been stated in Article 263 of the Criminal Code, Article 264 paragraph (1) of the Criminal Code, and Article 266 paragraph (1) of the Criminal Code if a Notary is suspected of committing a criminal act of forgery.

The Law on Notary Office stipulates that if a Notary in carrying out his position is deemed proven to have committed an offense, then the Notary may be subject to civil, administrative and ethical sanctions, but not criminal sanctions. In practice it is often found that the occurrence of a violation of the sanction can then be qualified in the form of a crime committed by a Notary. The aspects referred to consist of: (1) "Certainty of day, date, month, year and facing time; (2) The parties (who are) who appear before the Notary; (3) Signature facing; (4) A copy of the deed does not match the minutes of the deed; (5) There is a copy of the deed, without the minutes of the deed being made; and (6) The minutes of the deed are not completely signed, but the minutes of the deed are issued (Din, 2019).

Investigations of violations committed by a notary public must require an overall check by looking at external, formal and material aspects. The investigation carried out does not only adhere to a legal provision, but also requires further review related to the practice of a Notary. Investigation of a Notary is inadequate if the person conducting the examination does not understand notarial matters, meaning that the investigator in conducting an investigation of the Notary must be able to intellectually prove the mistakes made by the Notary, in other words, use the applicable legal rules that are transparent.

An example of a notary's actions can be seen in article 15 of the Amendment Law on UUJN, namely: (1) Article 266 paragraph (1) of the Criminal Code: The case study is based on a trial order for a District Court decision. 1545/Pid.B/2012/PN.-Mdn, included in the first level decision. The case occurred at the Medan District Court, which issued a decision stating that the defendant, Ignasius Sago, had been legally and convincingly found guilty of an alleged crime, namely, "jointly ordered to place false statements in an authentic deed". It can be concluded that Ignasius Sago who came to the notary to make a notarial deed, and the information in the deed turned out to be incorrect, or as if the information was true (Simaremare et al., 2015); (2) Article 263 paragraph (1) of the Criminal Code: The notary is in

charge of writing the deed and issuing a copy. Problems then occurred, and there were parties who explained to the investigators that the notary had made the deed himself. In addition, the Notary's assistant brought the deed to be signed by the appearer. Therefore, the investigator conducted an investigation and it turned out that the minutes of the deed did not exist, even though a copy had been issued and signed by the notary concerned (Waluyo & Radjasa, 2004); (3) Seeing the examples of the above problems related to the existence of violations in Article 15 UUJN, of course you have to look at the subject (perpetrator) side, meaning that the actions taken by the Notary in making the deed are not deviant, automatically the person concerned does not commit a crime and it is necessary to see to what extent the Notary participates in making the deed. Considering that acts that contain criminal elements are provisions that have been explained in public law (KUHP) while still paying attention to the elements of error and intent to relat.

Responsibility of Notaries as Public Officials for Acts Against the Law in Making Authentic Deeds

A notary as a public official has the authority to draw up an authentic deed, where a notary has great responsibility for carrying out his/her duties. The responsibility of a Notary adheres to the principle of responsibility based on fault (based on fault of liability). Notary profession itself is very attached to the principle of responsibility. This is because in the process of carrying out the duties of his position to make authentic deeds, the Notary is required to be serious about being accountable in order to have a problem when the deed he made is problematic. As stipulated in the Notary Office Act Article 65.

According to the dualistic school, the process of committing a crime is not necessarily followed by punishment. New punishment can be carried out if the person who committed the crime can be accounted for in criminal law. Conversely, if a person who commits a crime cannot be held accountable in criminal law, even though he has committed an act as defined in the law as a crime, he will not be punished. Such provisions are based on the principle of "no crime without fault". ("Geen Straf Zonder Schuld" or "actus non facit reum nisi mens sit rea")

The occurrence of punishment against a Notary based on a deed made by or before a Notary is a form of carrying out the duties of a Notary's position or authority, without paying attention to legal rules that are related to the procedure for making a deed and based only on the provisions of the Criminal Code (KUHP). Of course, this shows a misunderstanding or interpretation of a notary's position, while authentic deeds made by a notary are used as evidence in civil law. Criminal sanctions are ultimum remedium or can be referred to as the last remedy, if sanctions or efforts at other branches of law are incapacitated or deemed ineffective (Adjie, 2008).

The responsibility of a notary in terms of law cannot be separated from responsibility in terms of criminal, civil and administrative law. Administrative Law Sanctions against Notaries due to their mistakes in making authentic deeds according to Article 85 UUJN concerning the provisions referred to in Article 7, Article 15 paragraphs (1,2 and 3), Article 16 paragraph (1) letter a, Article 16 paragraph (1) letter b Article 16 paragraph (1) letter c, Article 16 paragraph (1) letter d, Article 16 paragraph (1) letter e, Article 16 paragraph (1) letter f, Article 16 paragraph (1) letter g, Article 16 paragraph (1) letter h, Article 16 paragraph (1) letter I, Article 16 paragraph (1) letter j, Article 16 paragraph (1) letter k, Article 17, Article 20, Article 27, Article 32, Article 37, Article 54, Article 58, and/or Article 63.

The notary can be released from responsibility and legal liability for the consequences of the defective deed, as long as the legal defect is caused by another party's mistake, or the statement or proof of the letter submitted by the client. As for forms of causes of legal defects that are not included in the notary's fault, including that there is asphalt or original identity but fake, such as identity cards, family cards, passports, certificates of heirs, certificates, agreements, decrees, BPKB, marriage certificates, birth certificates and others. These documents generally become a reference for Notaries in serving the community as public officials assigned to represent the state in making authentic deeds (Adjie, 2011).

The imposition of criminal sanctions against a Notary can be carried out as long as these limitations are violated, meaning that by fulfilling a formulation of an offense referred to in the Amendment to UUJN Law and the code of ethics for a Notary's position must also comply with the formulation stated in the Criminal Code. If the act of violation or unlawful act committed by a Notary fulfills the formulation of a criminal act, but if it is based on the Amendment Law on UUJN it is a form of a violation. So the Notary concerned cannot be subject to criminal penalties, because a measure in order to be able to judge a deed must be based on the Amendment Law on the UUJN and the code of ethics for the position of a Notary.

The imposition of Notary sanctions is classified into 2 (two), namely civil sanctions in the form of reimbursement of costs, compensation, and interest which are the consequences that will be accepted for the demands of the appearers if the deed in question only has the power of proof as a private deed or the deed becomes null and void. law, as specified in Article 41 UUJN. In addition to civil sanctions, administrative sanctions were also determined, namely in the form of verbal warnings, written warnings, temporary dismissals, honorable discharges, to dishonorable discharges, as specified in the articles in the Law on Amendments to UUJN (Adjie, 2008). In addition, the Notary himself must face ethical sanctions, if the Notary in carrying out his duties is not in accordance with the Notary's code of ethics, and may even be subject to criminal sanctions. However, criminal

sanctions against a Notary must be seen in the context of carrying out his/her duties, and subject to general criminal provisions, namely the Criminal Code. Criminal sanctions are the final sanction if a Notary does not have a deterrent effect and continues to abuse his authority as a public official.

The UUJN regulates the existence of sanctions for violations committed by a notary, namely a deed made by a notary does not have the power as an authentic deed but only has the power as an underhand deed. In connection with the actions of a notary who commits a criminal act of forgery of a deed or a criminal act of false information committed by the parties, the UUJN does not specifically regulate the existence of criminal provisions because it is based on the principle of legality which belongs to the principles contained in the Criminal Code.

The principle of legal responsibility is very necessary to be able to explain the relationship between the responsibilities of a notary related to the authority of a notary based on UUJN which is in the field of civil law. One of these powers is to create evidence that can provide legal certainty for the parties who are experiencing a dispute, then it becomes a delict or an act that must be held criminally accountable. Criminal liability means related to offenses. From the point of view of pure jurisprudence, offense is characterized as a condition of sanction. According to the understanding of legal science, delict is an act of a person against whom sanctions as a consequence of his actions are threatened. The definition of delict is the act of an individual against whom sanctions as a consequence of his actions are threatened.

D. CONCLUSION

The notary cannot accept in terms of criminal liability. If the Notary in carrying out his activities intentionally interferes with the deed by falsifying the identities of the parties, but if the information provided by the parties contains elements of untruth, fraud and lies, then the criminal responsibility is fully the responsibility of the parties because the deed made before a notary is a deed of the party. In other words, it can be explained to the Notary whether the fraud or fraud originates from the Notary himself or is purely a false statement given by the parties. As in the case of the Supreme Court No. 702K/Sip/1973, which reads: "The function of a Notary is only to record/write down what is desired and stated by the parties who appear before him". Therefore, to fulfill the provisions of the law, the Notary must pay attention to the criminal provisions of the Criminal Code.

The form of legal protection in the UUJN is stated in Article 66 UUJN which explains that law enforcement officials must obtain the approval of the Notary Honorary Council when summoning a Notary, while the form of legal protection of the Notary Honorary Council is to supervise a Notary and to verify that it takes place under applicable law. In the event that a Notary is summoned in a criminal case, the Notary Honorary Council has the right to allow or abolish a public

examination by a Notary, provided that the Notary has acted in accordance with UUJN and notary ethics, the MKN does not allow the Notary to be examined or attend trial. The notary is responsible for the occurrence of forgery of letters committed by the parties, which is based on the Notary Office Law if a Notary in carrying out his/her duties is proven to have made a mistake, then the Notary is required to be responsible for the actions he/she has committed both from the point of view of Administrative Law and Law. Civil law according to the provisions contained in Articles 84 and 85 of the Notary Office Law and the code of ethics. However, the Notary Office Law does not regulate criminal sanctions. The fact is that in practice there are often violations of these sanctions which can then be classified as a form of crime committed by a Notary. This aspect is of course related to the actions of a Notary who violates Article 15 of the Law on Notary Office, where if a Notary does not implement the provisions of that article it can lead to acts of forgery or falsification of the deed as referred to in Articles 263, 264 and 266 of the Criminal Code which causes losses to the parties interested parties.

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ACKNOWLEDGMENTS

None.

COMPETING INTEREST

The authors declare that there are no competing interests.