

Legal Sanctions Against Notaries Who Violate Obligations and Prohibition of the Law on the Position of A Notary

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Abstract: Law Number 2 of 2014 concerning the Position of Notaries (UUJN) regulates mutual agreements and statutory regulations against Notaries who abuse the commitments and prohibitions as intended in Articles 16 and 17 UUJN, but criminal authority is not regulated in UUJN, therefore its use criminal sanctions. In addition, there is no action against the joint authorization component related to the cancellation of authentic deeds in the UUJN. This authority is represented in Article 7 paragraph (2), Article 16 paragraph (11 and 13), Article 17 paragraph (2), Article 19 paragraph (4), Article 32 paragraph (4), Article 37 paragraph (2), Article 54 paragraph (2) and Article 65 UUJN. Criminal sanctions are not represented, however a Notary can be punished according to the provisions of the Criminal Code, considering that the appointment of a Notary is in accordance with the definition of burglary as regulated in the UUJN, code of ethics and corrective code. . Second, the component of using joint power relating to the deletion of a valid deed into a private deed must go through a joint lawsuit process in a general court held by the association whose name is listed in the deed and which suffers negative consequences. as a result of these actions.

Keywords: authorization; commitment; Notary .

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INTRODUCTION

Notaries as ordinary individuals in carrying out their obligations can make mistakes or violations in carrying out their duties . Notaries who are caught ignoring the responsibilities and prohibitions of Notaries as stated in Articles 16 and 17 UUJN, will likely be given punishment which constitutes shared authority, managerial approval, a series of implicit rules in the form of criminal penalties . Civil penalties are penalties imposed for personal wrongdoing , especially laws that direct

relational relationships in fulfilling interests. Administrative punishment is a punishment which arise as a result of the relationship between public authorities, namely the government and its citizens. Code of ethics penalties can be imposed on Notaries who ignore general Notarial principles. UUJN regulates that criminal sanctions can be imposed if the Notary in carrying out his obligations has fulfilled certain components of error according to the Criminal Code (KUHP).

UUJN groups four categories of punishment for several errors in the articles which are referred to in a limited way, specifically as written instructions, temporary dismissal, honorable dismissal, and dishonorable dismissal. Administrative penalties are carried out if it is found that they have violated internal regulations Article 7 paragraph (1), Article 16 paragraph (1) letters a to l, Article 16 paragraph (13), Chapter 17 paragraph (1), Chapter 19 paragraph (2), Article 32 paragraph (1, 2, and 3), Chapter 37 paragraph (1) and Article 54 paragraph (1) UUJN¹.

Civil penalties are usual is penalties imposed for violations of the law civil. The violation committed by Notary Public related to punishment civil states if : action violation which is implemented by Notary Public in regulations as contained in Article 16 paragraph (1) letter m, paragraph (7) And paragraph (8), Chapter 41 who violates Chapter 38, Chapter 39 as well as Chapter 40, Art 44 paragraph (1) until paragraph (4), Chapter 48 verses (1) as well as paragraph (2), Chapter 49 paragraph (1) as well as paragraph (2), Article 50 paragraph (1) to paragraph (4) and Article 51 paragraph (2) which causes a deed just have strength proof become deed below hand and can be a cause for the party who incur loss of use For file a claim replacement cost, change make a loss as well as flower to Notary Public².

It is very important for the Notary to

know so as not to violate the articles above and make the deed have no evidentiary power and only have the power of being a private deed and can be a cause for parties who can cause the deed to be invalidated.

The term means a reduction in quality or decline or status degradation, because the position is lower in strength as evidence, from the strength of complete and best evidence to the beginning of confirmation, for example a private deed and may have legal defects or weaknesses in the deed.

The implementation of reducing the strength of proof of the deed is solely due to the absence of initials (Article 50 paragraph (2) UUJN) one of the impacts of which can affect credit arrangements in the event that the debt holder defaults, this can create legal provisions to impose penalties on the Notary without requiring proof previously. Moreover, this could become a legal loophole if the proof of a Notary's deed whose evidentiary power has been reduced to a private deed can be carried out alone without going through the interaction of a lawsuit in court³.

Criminal penalties for Notaries are based on general penalties, because the UUJN does not determine criminal penalties for Notaries. Disproportionate sanctions are not imposed on Notaries who abuse Notarial commitments and prohibitions, on the grounds that they are not regulated in the UUJN Guidelines and Notary Rules of Procedure. Moreover, a notary who is punished for making a mistake is considered to have just committed a minor violation, so he is only sentenced to administrative sanctions.

¹ virgin Nigita, "Urgency and Legal Implications of the Application of Fingerprints of the Presenter/Residents/ Parties in the Minutes of Notarial Deeds (Study of Article 16 Paragraph (1) Letter C of Law Number 2 of 2014 concerning the Position of Notary Public)" (Islamic University of Indonesia, 2017).

² Pratiwi Ayuningtyas, "Sanctions against notaries who violate the code of ethics," *Repertorium: Scientific Journal of Notarial Law* 9, no. 2 (2020): 95–104.

³ Lidya Christina Wardhani, "Notary/PPAT Responsibilities for Deeds Canceled by the Court" (Islamic University of Indonesia, 2017), <https://dspace.uui.ac.id/handle/123456789/8969>.

However, a Notary who violates the UUJN, if proven, has made a fake deed (Articles 263, 264 and 266 of the Criminal Code) with the capacity to be a mistake carried out by the Notary. This matter can occur because criminal penalties for Notaries are not stipulated in the UUJN. only be subject to sanctions in the form of fines and not imprisonment ⁴.

As a result of the lack of guidelines regarding instruments to enforce valid authorization (according to procedural regulations) and criminal penalties for Notaries who abuse their position as well as prohibitions in the UUJN, this has given rise to legal doubts (*rechtsonzekerheid*) in society. Conditions like this give rise to turmoil regarding what rules should be used or applied ⁵.

METHODS

Based on Soerjono Soekanto's opinion, legal study is a form of scientific activity, based on systematics, methods and views, which are useful in analyzing many things regarding a legal phenomenon, with its analytical methods. Apart from that, there is a need for deeper research into this legal aspect, in order to further seek a solution to the problems that arise in the phenomenon that occurs. ⁶.

The type of research used in this writing is legal research. The type of research used in

this writing is normative legal research. The approaches used in this writing are the sociological approach , the statutory approach *and* the case *approach* . The form of collecting research materials used is a library *research approach* . The form of data elaboration in this writing is to use qualitative elaboration with a method in the form of descriptive analysis, namely an activity carried out to determine the substance and meaning of legal provisions which serve as guidelines for overcoming problems that are the object of research. The statutory approach (*statute approach*) is implemented by analyzing all regulations that are interconnected with the legal issues that are currently occurring. The historical approach *is* carried out in order to interpret the philosophy of a legal provision that is the basis of a regulation. The conceptual approach *also* shifts from several thoughts and rules that have emerged in legal science. This approach is the main thing because the interpretation of thoughts/rules that emerge from legal science can be the basis for creating legal arguments when dealing with legal problems that occur. Thoughts/concepts make ideas clear by conveying legal meanings, legal doctrine, or legal principles that are in line with the authority of the Notary Honorary Council in the investigation of a criminal case involving a notary ⁷.

The initial materials used in this writing are secondary legal materials, primary legal materials, and tertiary legal materials. Secondary legal material is legal material that supports and conveys the meaning of primary legal material. For example, research re-

⁴ Purnama Diana, "Responsibility of Notaries in Making Deeds Based on Forgery of Letters by Parties" (Udayana University, 2017)

⁵ Agus Armainy Ry, "Reconstruction of Regulations on the Authority of the Regional Notary Supervisory Council in the Context of Optimizing Supervision of Notaries Based on Justice Values" (Sultan Agung Islamic University, 2022), <http://repository.unissula.ac.id/id/eprint/30992>.

⁶ Janu Murdiyatmoko, *Sociology: understanding and studying society* (PT Grafindo Media Pratama, 2007).

⁷ Noor Muhammad Aziz, "The Urgency of Research and Legal Studies in the Formation of Legislation," *Rechts Vinding Journal: National Legal Development Media* 1, no. 1 (2012): 17–31.

sults, draft laws, the work of legal researchers which are related to the writing of this scientific work. Meanwhile, primary legal materials themselves are included in the law. This writing will research normatively using methods of analyzing and examining the scope and substance of a regulation that stipulates the Notary profession and the responsibilities and duties of the Notary Honorary Council as stated in Law no. 2 of 2014 concerning Amendments to Law no. 30 of 2004 concerning Notary Positions and Minister of Law and Human Rights Regulation no. 7 of 2016 concerning the Notary Honorary Council. Then tertiary legal materials include legal materials that convey evidence or meaning from primary and secondary legal materials. Tertiary legal materials can take the form of Indonesian dictionaries, internet data, legal dictionaries, websites and scientific journals.

ANALYSIS AND DISCUSSION

In essence, the legal relationship between the Notary and all parties who previously issued the deed or the Notary is not legally regulated at the commencement of the Notary and these meetings, considering that at that time there was no problem. In order to determine the type of legal relationship between a Notary and his or her clients, it needs to be linked to the provisions of Article 1869 BW. Furthermore, at that time, this could be a reason to sue the Notary for committing an unlawful act because ⁸:

- a. Notaries do not have the authority to issue interested deeds ;

⁸ Hilda Sophia Wiradiredja, "Criminal Liability of Notaries in Making Deeds Based on False Information Linked to Law Number 30 of 2004 concerning the Position of Notaries in conjunction with Law Number 2 of 2014 and the Criminal Code," *Journal of Juridical Insights* 32, no. 1 (2015): 58–81.

- b. There was no Notary at the time the deed was drawn up ;
- c. Notarial Deeds lack structure; as well as
- d. carelessness or negligence of a Notary that causes losses.

Therefore, the position of a Notarial deed which has the power of proof to become a private deed does not depend on a Notarial deed not fulfilling the qualifications, but on ⁹:

- a. The law (UUJN) has determined that the details of a Notary's deed which have the power of proof to become a private deed, are that the qualifications are not fulfilled ;
- b. The notary is not careful, makes mistakes and is incorrect in applying appropriate guidelines in relation to carrying out the obligations of the Notary position according to the UUJN, as well as in establishing valid principles in relation to matters contained in the deed.

The lawsuit against the Notary in the form of compensation because an authentic deed has the power of proof to be a private deed is caused by ¹⁰:

- a. Bonds for Notaries with parties who violate the law.
- b. Mistakes and mistakes in: (1) Procedures for processing deeds based on UUJN; (2) The use of different guidelines contained in the deed is important for the facing party, which does not depend on the Notary's specific knowledge mastery capacity as well as the regulations as a whole. Before a Notary is subject to punishment

⁹ Dedy Mulyana, "The Legal Strength of Mediation Results in Court and Outside Court According to Positive Law," *Journal of Juridical Insights* 3, no. 2 (2019): 177–198.

¹⁰ Ufuk Robert Wibowo, "What are the responsibilities of a notary as a result of an authentic deed being degraded into a private deed," *Journal of Law and Civil Society (Humani)* 10, no. 1 (2020): 62–82.

or compensation, it must first be shown that (a) a loss has occurred; (b) there is a causal relationship between the event and the action that violates applicable guidelines; and (c) violations (activities) or errors that may be committed by the Notary concerned ¹¹.

The notary's code of ethics is all the moral guidelines that have been established by the Indonesian Notary Association (INI), which are considered valid and must be followed by all members of the association or other parties who hold the position of a notary who is currently in office or in their daily life. day. Notaries need to know and understand the code of ethics, which determines actions that can be considered violations of the code of ethics and the penalties imposed if they violate the code of ethics.

The code of ethics determined on 29-30 May 2015 in Banten, which previously applied to the code of ethics for notaries determined at the INI congress (Members' Meeting) on 28 January 2005 in Bandung, included requirements, prohibitions and exceptions for notaries in carrying out their profession. Notaries can be punished if they are proven to have violated the regulations stated in the notary's code of ethics. The relationship between notary organizations and the notary profession is stated in the notary code of ethics, where the position of the notary code of ethics is the result of a task related to violations of the actions of notaries who simply receive moral punishment. The notary's code of ethics contains obligations, prohibitions, exceptions, and penalties that will be given if it

is discovered that the notary has violated the code of ethics. ¹².

Based on the words of Article 1 paragraph 1 of the Notary Position Law no. 2 of 2014, regarding changes to Law no. 30 of 2004 which later became known as UUJN include:

"A notary is a public official who has the authority to issue authentic deeds and also has other authorities, for example those contained in this law or in accordance with other laws."

To carry out the notary profession, it is necessary to comply with Law no. 2 of 2014 concerning Amendments to Law no. 30 of 2004 concerning Notary Positions. This provision is binding as long as the person holds the position of notary before retiring or leaving honorably. Notaries have the authority to draw up deeds, deeds drawn up by notaries have perfect evidentiary power (*volledig bewijskracht*) and are binding (*bedinde bewijskracht*), which means that if the evidence in the form of an authenticated deed is shown to fulfill the material and formal requirements, the opposing evidence presented by the defendant is not reducing its position, the deed is bound by perfect and binding evidentiary power (*volledig en bindende bewijskracht*), therefore the validity of the substance and information contained in it is perfect and binding for all parties regarding what is described in the deed. Perfect and binding for the judge, the judge needs to make it a perfect factual foundation and sufficient to make decisions regarding the handling of cases that are currently in conflict.

Notaries who are proven to have violated the provisions in carrying out their duties intentionally or not will no longer be able to do whatever they want. Because parties who

¹¹ Yovita Christian Assikin, "Responsibilities of Land Deed Officials Regarding Canceled Sale and Purchase Deeds in View of Applicable Legislation," *Acta Diurnal Journal of Notarial Law* 3, no. 1 (2019): 80–97.

¹² Ayuningtyas, "Sanctions against notaries who violate the code of ethics."

feel they are being charged losses can submit a complaint to the Notary Supervisory Board and the Police. If a notary neglects his professional duties and noble dignity and commits a violation of the UUJN and other statutory provisions, then the Supervisory Council can act decisively by imposing a penalty. This includes submitting a request to the Minister of Law and Human Rights to revoke the operational permit. For related notaries, it is possible that they could also be taken to court, either in a civil or criminal case.

In accordance with Article 16 paragraph 1 UUJN, to carry out his office, a notary needs to carry out his duties ¹³:

- a. Be honest, trustworthy, independent, thorough, take care of the needs of the parties involved in a legal action, and be impartial;
- b. Prepare deeds in the form of deed minutes and place them as components of the notarial protocol;
- c. Attach the letter as well as files and fingerprints of the person present in the minutes of the deed;
- d. Issue gross deeds, copies of deeds, or extracts of deeds in accordance with the minutes of the deed;
- e. Providing services based on these laws and regulations, is different if there is a reason to refuse it;
- f. Keep everything related to the deed issued as well as all information obtained for the issuance of the deed based on a professional promise/oath, unless otherwise determined by law;
- g. Make one deed issued in 1 month into a

book containing no more than fifty deeds, and if the total deeds cannot be listed in one book, then the deeds can be entered into more than one book, and write down the entire minutes of the deed, month, as well as the year of publication on the cover of each book;

- h. Compile a list of protest deeds for non-payment or non-receipt of securities;
- i. Compile a list of deeds relating to wills based on the time frame for issuing deeds each month;
- j. Provide a list of deeds as stated in letter i and a list of nil relating to wills to the center of the will register at the ministry that carries out government in the legal sector within a period of 5 days in the first week of each following month;
- k. Register in the repertory the date of delivery of the list of wills at the end of each month;
- l. Have a stamp or seal containing the symbol of the Republic of Indonesia and in the space surrounding it the name, position and related domicile are included;
- m. Submit the contents of the deed in front of the presenter, witnessed by no less than two witnesses, or four main witnesses for the purpose of preparing the deed of will privately, and signed at that time by the presenter, witness and notary; And
- n. Accepting apprentice notary candidates.

In accordance with Article 17 paragraph 1 UUJN, things that are prohibited from notary publics include: ¹⁴:

1. Carrying out a profession outside of his/her domicile;
2. Gradually relinquishing one's profession-

¹³ Irma Aisyah, "The Position of Notaries in Storing Certificates during the Implementation of Sale and Purchase Agreements in Padang City," *UNES Law Review* 6, no. 1 (2023): 183–205.

¹⁴ Rudi Indrajaya, *Position of the Royal Mortgage Licensing Deed as a Replacement for Lost Mortgage Rights Certificate* (Jakarta: Visimedia Pustaka, 2016).

- al domicile for more than seven working days without any valid reason;
3. Having a position as a civil servant;
 4. Having a position as a lawyer;
 5. Having a position as a leader or employee of a state-owned enterprise, regional-owned enterprise or private enterprise;
 6. Having other positions as Land Deed Making Official and/or class II Auction Official outside the notary's domicile;
 7. Become a substitute notary;
 8. Carrying out other professions that are prohibited by religious norms, morality or propriety can affect the dignity and honor of the notary profession.

This regulation clearly determines the preparation of deeds, prohibitions, requirements for carrying out the office of a notary and the penalties that will be received if the notary is proven to have violated the notary's code of ethics. Notaries can receive civil or criminal sanctions, according to what mistakes the notary has committed. Some notaries, while carrying out their duties, make mistakes. For example, if a notary does not convey the contents of the deed, the deed becomes a private deed. In the deed the notary noted that the deed "has been read by me. Notary, even though the notary did not do so. Therefore, the notary is considered to have falsified the deed. This also includes some notaries who do not prohibit the presenters from signing deeds in front of employees or their assistants, so the statement in the deed 'has been in front of the presenters' can be doubted. If by not submitting the deed and not knowing who signed the deed, the notary who does so will tarnish the dignity of his profession and position. Notaries who knowingly violate the code of ethics can be punished and can harm both the parties and the notary themselves. It

is stated in Article 16 letters a and m that a notary must be honest, trustworthy, thorough, impartial, independent, and take care of the needs of parties related to legal acts and must present the deed in front of the audience witnessed by no less than two witnesses, or four main witnesses for the preparation of the will under their own hands and signed at that time by the presenter, witness and notary.

Based on Widodo Suryandono's opinion, if a notary commits an offense that is 'beyond the responsibility of the notary', for example a criminal act of fraud, the notary supervisory board will submit a report to the police. Meanwhile, if citizens complain about a notary who has committed an offense in the form of a notarial position, the police should not have the right to investigate the notary. What is being investigated is only the deed issued by him by the supervisory board.

A notary in committing an offense may actually rely on authoritative or mutual agreement or a set of general rules for Notaries, but at that time it is removed or qualified as a mistake committed by the Notary. Abilities related to points of view, for example ¹⁵:

- a. does not guarantee the certainty of the day, date, month, year and time facing;
 - b. who is the party (individual) who appears before the authorized official;
 - c. not authorized to sign ;
 - d. see that there is a copy of the deed that does not match the minutes of the deed;
 - e. without making the minutes of the deed;
- And
- f. The minutes of the deed were not ratified in full, but a copy of the minutes of the

¹⁵ Risa Hermawati, "Forgery of Authentic Deeds Committed by Notaries (Case Study of Decision Number 1003 K/Pid/2015)," *Otentik's: Journal of Notarial Law* 2, no. 2 (2020): 160–177.

deed was provided.

things are obstacles which, if proven, can be used as a basis for imposing sanctions on the Notary. However, it turns out that these obstacles were used as a reason to punish the Notary on the grounds that the Notary had made a written document or distorted a deed (Articles 263, 264 and 266 of the Criminal Code). with capacity as a wrongful act committed by the Notary. Another perspective that must be used as a limitation because a violation by a Notary must be reviewed from the UUJN, meaning whether the activities carried out by the Notary ignore certain articles in the UUJN, on the grounds that there are reasonable reasons as shown by the UUJN that the deed in question is in accordance with the UUJN, but according to the perpetrator of the demonstration was doing something wrong. Therefore, before directing further examination, it is best to ask for an assessment from people who know about it without hesitation, especially from the Notary Public Association. Therefore, the imposition of sanctions on a Notary must be carried out within limits, if ¹⁶:

1. There is a legitimate activity of the Notary in the appropriate part of the deed which aims, is filled with prudence and confidence and is regulated, that the deed made before the Notary or by the Notary together (agree) to be used as a reason for carrying out an action lawbreaker;
2. There are actions by the Notary in making a previous deed or by the Notary which, if estimated according to the UUJN, is not appropriate according to the UUJN;

3. Notary activities are not in accordance with their expertise, in this case the Notary Supervisory Board .

Criminal charges against Notaries can be resolved as long as the limits referred to above are misused, in fact it is also intended to fulfill the definition of violations as stated in the UUJN, and must also fulfill the details stated in the notary's code of ethics.

According to the Big Indonesian Dictionary, the term component is defined as the way an association (a group, etc.) works insofar as it influences each other to work like a machine, if one maneuvers, the other also moves. 26 The system in an authoritative power life is a journey to complete an effort. . Apart from that, the abilities and expertise in an authoritative foundation are in accordance with the standard rules in actual associations. If related to the importance of the system in this examination, it is a process of implementing the obligations and capacity and authority of the Regional Court in deciding relevant standards related to the technical/procedural cycle, both within the scope of general regulations and criminal regulations considering the current procedural regulations.

1. Civil Sector

Notaries as public officials whose duties are to make authentic deeds, are limited by binding regulations, especially in the law of evidence. In practice, a Notary is often placed as a Respondent by various associations who feel that the legitimate activities referred to in the deed are classified as Notarial activities which are deemed to violate the law. In this case, is it appropriate to place a Notary as the Plaintiff in relation to a Notarial deed that he himself made?

Then again, in this way, a Notary can be sued and the lawsuit is directly addressed

¹⁶ Tri Ulfi Handayani, "The Urgency of the Notary Honorary Council in Enforcing the Notary Code of Ethics in Pati Regency," *Journal deed* 5, no. 1 (2018): 51–64.

to the Notary himself (*sole Litigant*), but for this situation there are obstacles, especially with the assumption that the meetings occur in the presence of the Notary. (the gathering/ attendant whose name/remembered was responsible for making the deed) alleged that the Notary had ignored both external, formal and material views which caused the actual deed to be reduced to a personal deed, so that the party who felt aggrieved needed to argue:

1. Day, date, month and year face to face.
2. Time (on) facing.
3. The mark is recorded in the minutes of the deed.
4. Feelings will never be faced.
5. The deed was not ratified before a Notary.
6. The deed was not read.
7. Different reasons based on deed conventions.

Denial of these things cannot be immediate or direct but must go through a predetermined element, namely by suing a Notary as indicated by the joint strategy regulations to the District Court. The steps that must be taken by parties who feel disadvantaged by the Notary and assess/consider or realize that the Notarial Deed given by the Notary has ignored both the external, formal and material aspects of the actual deed, then the deliberation/party providing the assessment is as follows: must have the option to show it through legal interaction (claim) to the Regional Court and request repayment of fees, payments and premiums to show its evaluation, taking into account which arrangements or articles have been ignored by the Notary. Thus, the assessment of a Notarial deed which has the power of proof as a private deed does not come from the parties themselves, but must be brought by or through and proven in court.²⁷

2. Administration Sector

Ten Berge combines supervision and approval authorization. Supervision is a preventive action to enforce consistency and the use of authority is an oppressive action to enforce compliance. 28 Instruments for forcing authority validation are carried out directly by authorized officials to force such approval. In the monumental regulatory authorization of the Notary, the administrative instrument is the Administrative Committee which takes preventive measures²⁹ to enforce consistency and applies harsh sanctions³⁰ to authorize consistency so that this agreement can be implemented.

steps are carried out after supervision and inspection 1 (one) time a year or whenever it is considered significant to really see the Notary's consistency in carrying out his obligations which can be seen from the inspection of his convention by the Regional Supervisory Council (MPD). 31 MPD can take firm steps, in the form of a written and conclusive warning and proposed sanctions against the Notary to the Central Supervisory Council (MPP) as follows: temporary dismissal for 3 months (90 days) to 6 (six) months; or impose severe sanctions in the form of dishonorable dismissal by proposing it to the Minister.

3. Criminal Sector

Notary positions permitted by the Law on Notary Positions relate to the material facts of the actual act, assuming that the act was carried out without warning to cause real harm, whether done intentionally or on the occasion of the demonstration. fulfill the elements of criminal acts, against a Notary can depend on criminal sanctions. This idea shows the separation of differences between regulations that are structured because of the need for legal certainty and life regulations that may arise as

a sign of regulation regarding the importance of community work and a halal orientation.³²

Arbitrary sanctions are not imposed on Notaries who ignore the Notary's commitments and prohibitions, on the grounds that UUJN and the Notary's set of principles do not regulate them. Furthermore, a Notary who is convicted of committing a mistake is considered to have just committed a minor offense, so he is only punished for general approval or payment or regulatory authority or only as advance notice. In line with this, in summoning the Notary, the explanation behind the lack of guidelines regarding the inconvenience of granting criminal permits is generally the reason for the Notary to commit a violation. According to Muladi, efforts to defeat errors in an expert climate can be resolved non-correctively and punitively.³³ The methods that must be taken are:

1. Disciplinary court decisions that have legal force
2. Expert witness assessment .
3. With punishment .
4. Components related to profession (see Draft Criminal Code).

According to Abdul Kadir Muhammad, efforts to prevent errors in crime can be through punitive efforts by:

1. Insert a proviso to comply with positive legal law in the definition of a set of expert rules. Each regulation clearly expresses the undermining authority of violators. Thus, the occupants think, there is no other way but to comply, assuming a violation occurs, meaning that the occupants concerned will most likely be subject to sanctions which are very difficult for them. The robustness of these rules is then projected into the definition of a set of expert rules that compel legal consent to violations.

2. Imposing sanctions on regulatory guidance experts through the local District Court. An expert set of rules is a kind of agreement with all individuals that they swear to agree to a set of implicit principles that have been created together. In the details of the collection of principles it is stated that assuming there is a breach of commitment which is sufficient to be resolved by the Special Chamber and which is sufficient to be resolved by the Court. To obtain approval from the Head of the nearest Regional Court, the set of principles is approved with a court application deed containing a request for punishment for each part to be in accordance with the set of rules. So power applies and binds a set of governing rules such as a deed of harmony made by an appointed authority. In the event of a violation of general principles, the court requests the power of recovery.

If we look at the consent arrangements regulated in the UUJN, it can be said that violations of the implicit principles of Notary Public can be compared to ignoring the law, so that consent can be forced by law. For this situation, a general set of Notarial rules is in accordance with the law. The implementation of overarching principles is the work of carrying out the governing rules as they should, managing so that there are no violations, on the grounds that the set of implied principles is essential for positive regulation, policing standards to the authorization of a set of general principles.

If a notary is regularly monitored for alleged violations, action will be taken. Therefore, the relevant notary will be given a penalty based on the applicable provisions by reviewing how serious the violation is. The UUJN

states that the easiest punishment is a verbal warning. The second punishment is a written warning, and the third punishment is a temporary dismissal for no more than 6 months. The most severe punishment is dismissal of the profession honorably or dishonorably. All of this is stated in Article 85 UUN.

Notaries in carrying out their responsibilities and obligations related to work need to comply with UUN and the Notary Code of Ethics. The word ethics comes from two words in Latin, namely *mores* and *ethos* which are combined into one word, a form of politeness towards citizens and social morals. Meanwhile, etymologically, ethics is interpreted as morals in the form of values and rules that guide society and groups in determining attitudes and behavior. In accordance with Article 3 of the notary code of ethics of the Indonesian Notary Association, it is stated that notaries need to have good morals, morals and personality, notaries also need to respect and honor the dignity of the notarial position, uphold and protect the honor of the group, act honestly, independently, impartially, have a sense of responsibility, in accordance with statutory provisions and the contents of the notary's oath of office, develop the knowledge that is already possessed, not limited to legal and notarial knowledge, and prioritize sacrifice for the needs of society and the State. Based on Article 3, notaries need to have honor and dignity and be able to help the community and clients without distinguishing between social strata.

CONCLUSION

In essence, the legal relationship between the Notary and the parties who made the previous deed or the Notary is not legally regulated at the start of the Notary and these meet-

ings, considering that at that time there was no problem. To determine the type of legal relationship between a Notary and his or her clients, it must be linked to the provisions of Article 1869 BW. carelessness or negligence of a Notary that causes losses. The notary is careless, wrong and incorrect in applying appropriate guidelines in relation to carrying out the obligations of the Notary position according to the UUN, as well as in applying valid principles in relation to matters contained in the deed. The relationship between the Notary and the parties who violate the law. The notary's code of ethics is all the moral guidelines that have been established by the Indonesian Notary Association, which are considered valid and must be obeyed by all members of the association or other parties who hold the position of notary while in office or in everyday life. Notaries need to know and understand the code of ethics, which determines actions that can be considered violations of the code of ethics and the penalties imposed if they violate the code of ethics. The code of ethics determined on 29-30 May 2015 in Banten, which previously applied to the notary code of ethics determined at the INI congress on 28 January 2005 in Bandung, contains obligations, prohibitions and exceptions for notaries in carrying out their profession. Notaries can be punished if they are proven to have violated the regulations stated in the notary's code of ethics. The relationship between notary organizations and the notary profession is stated in the notary code of ethics, where the position of the notary code of ethics is the result of a task related to violations of the actions of notaries who simply receive moral punishment. The notary's code of ethics contains obligations, prohibitions, exceptions, and penalties that will be given if

it is proven that the notary has violated the code of ethics. Based on the words of Article 1 paragraph 1 of the Notary Position Law no. 2 of 2014, regarding changes to Law no. To carry out the notary profession, it is necessary to comply with Law no. 2 of 2014 concerning Amendments to Law no. 30 of 2004 concerning Notary Positions.

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