



The Urgency of Regulating the Measure of Violation in Terms of Sanctioning Notary

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Abstract: This study aims to analyze the urgency of legal ambiguity in determining the benchmark for imposing sanctions on notaries based on the Law on Notary Positions (UUJN). The UUJN regulates various sanctions for notaries who violate the law but does not provide clear guidelines regarding the criteria for imposing sanctions. This results in legal uncertainty and inconsistency in the enforcement of sanctions, as evidenced by the different sanctions imposed on two notaries, DS and MI, despite their similar violations. This research employs a juridical-normative method with a statute approach and case approach, which will be analyzed using perspective analysis with grammatical and systematic interpretation. The results show that the ambiguity of norms in the UUJN has the potential to cause injustice in the enforcement of sanctions, as well as disrupt legal certainty and the integrity of the notary profession. In conclusion, a revision of the UUJN or the addition of supplementary regulations that include clearer and more proportional benchmarks for sanctioning is necessary. This will ensure justice and consistency in the application of sanctions, as well as uphold the integrity of the notary profession.

Keywords: *Justice, Legal Ambiguity, Notary, Sanctions.*

INTRODUCTION

A state's rule of law functions to provide protection, legal certainty, and order in order to achieve justice. To achieve this objective, clear evidence is required in the life of society as legal subjects, so that rights and obligations can be determined accurately.¹ Referring to Indonesia as a state based on the rule of law (*rechstaat*), the Indonesian government has an obligation to ensure that the legal system functions effectively. The government places serious attention on the development of the legal system, particularly in the provision of basic services aimed at meeting the needs of society, as a tangible manifestation of the state's presence². The government then established the notary profession to assist members of the public with limitations in understanding the legal procedures that must be followed in various matters. This step aims to raise legal awareness among the public and related parties, as well as to ensure that every legal action is carried out in accordance with the applicable regulations.

The notary profession plays a crucial role in legal transactions, particularly in the field of civil law, as notaries hold the status of public officials. This is in accordance with Article 1, point 1 of Law Number 2 of 2014 concerning the amendment to Law Number 30 of 2004 on the Position of Notary (UUJN). Notaries have a very important role, which can be seen and felt by the public when engaging in various legal actions, such as leasing, buying and selling, and debt agreements. The role of the notary is to create legal certainty, which is part

¹ Husni Thamrin and M Khoidin, *Hukum Notariat Dan Pertanahan (Kewenangan Notaris Dan PPAT Membuat Akta Pertanahan)*, ed. Irawan Soerodjo, cetakan 1 (Yogyakarta: Laksbang Justicia, 2021).

² M. Rifqinizamy Karsayuda et al., "Legal Construction of Infrastructure Financing Based on Public Private Partnership to Realize National Resilience," *International Journal Of Humanities Education and Social Sciences (IJHESS)* 3, no. 1 (August 18, 2023), <https://doi.org/10.55227/ijhess.v3i1.563>.

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of the effort to meet the legal needs of all citizens.³ The role of the notary in accommodating and creating legal certainty for legal actions aligns with the increasing complexity of legal relationships in society. Legal protection and certainty are necessary to clearly distinguish the rights and obligations of legal subjects. Proper and orderly legal administration prevents legal defects and protects the public from losses.⁴

However, in its course, the notary profession also lacks certainty in legal protection for the notary position itself. This is because notaries hold two distinct existences: as individual notaries who are public office holders or public officials, and as individual citizens. As public office holders, notaries carry fundamental rights and obligations governed by Indonesian law, specifically the Law on the Position of Notary (UUJN). Meanwhile, as citizens, notaries bear fundamental rights and obligations within the national scope of the Republic of Indonesia, which are based on the 1945 Constitution (UUD NRI 1945), as well as universal human rights obligations within the international sphere.⁵ Therefore, clear regulations are needed regarding the legal protection of notaries. This is closely related to the criteria for imposing sanctions on notaries if they fail to comply with the rules set forth in the UUJN in the performance of their duties.

The content of a law is inseparable from provisions on sanctions, including administrative, civil, and criminal sanctions. Therefore, if a notary is proven to have violated their duties, they may be subject to sanctions, which include

³ Andri Gotama et al., “Analisis Yuridis Perlindungan Hukum Terhadap Notaris Sebagai Pejabat Umum Dalam Sistem Peradilan Pidana Terkait Kewenangan Membuat Akta Otentik (Studi Penelitian Di Kota Batam),” *UNES Law Review* 6, no. 1 (September 1, 2023): 3731–43.

⁴ Aris Yulia, “Profesi Notaris Di Era Industrialisasi Dalam Perspektif Transendensi Pancasila,” *Law and Justice* 4, no. 1 (July 29, 2019): 56–67, <https://doi.org/10.23917/laj.v4i1.8045>.

⁵ Bachruddin, *Hukum Kenotariatan Perlindungan Hukum Dan Jaminan Bagi Notaris Sebagai Pejabat Umum Dan Warga Negara*, cetakan 1 (Yogyakarta: Thema Publishing, 2021).

administrative, civil, and criminal sanctions, as well as sanctions related to the notary's professional code of ethics. These are regulated in the Law on the Position of Notary and the Notary Code of Ethics, and sanctions are imposed by the Notary Supervisory Council (MPD) at the regional, provincial (MPW), or national levels.⁶ The imposition of sanctions on notaries is essentially a form of awareness-raising, reminding them that they have violated provisions set out in the Law or the Notary Code of Ethics while performing their duties. These sanctions not only serve to educate the notary but also aim to protect the public from actions, whether intentional or unintentional, that could cause harm to the individuals they serve.⁷

Based on this, and referring to the realities occurring within society, a case was decided by the Provincial Supervisory Council of West Java on February 26, 2007, number 129/MPW JABAR/2007. Notary DS, located in Bandung, committed a violation by failing to properly read the deed during its preparation and by acting carelessly; specifically, the husband's consent for an action was obtained from the wife instead of from the husband, which contradicted the regulations governing the Notary's position. As a result of this violation, the MPW JABAR imposed a sanction on Notary DS in the form of a temporary suspension from office for six (6) months due to his failure to act with trust, honesty, care, independence, and impartiality in safeguarding the interests of the parties involved in the legal document preparation. Subsequently, Notary DS committed further violations, as outlined in the decision of the Central Notary Supervisory Council on October 9, 2018, number 03/B/MPPN/X/2018. Notary DS violated the regulations during the preparation of a Sale and Purchase Deed. He failed to properly read the deed and did not have it signed in the presence of

⁶ Habib Adjie, *Hukum Notaris Indonesia* (Bandung: PT. Refika Aditama, 2008).

⁷ Habib Adjie, *Sanksi Perdata Dan Administratif Terhadap Notaris Sebagai Pejabat Publik* (Bandung: PT. Refika Aditama, 2009).

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the parties, which resulted in harm to the parties involved in the deed. Consequently, the Central Notary Supervisory Council proposed a sanction of honorable dismissal to the Minister of Law and Human Rights of the Republic of Indonesia due to repeated violations of the regulations governing the Notary's position and the professional code of ethics.

However, in a similar case involving Notary MI, who signed a deed outside of his jurisdiction and failed to carry out his duties with trust, honesty, and care, as well as not providing a copy of the deed to the relevant parties, Notary MI was imposed with a dishonorable dismissal sanction without receiving any prior sanctions of varying severity from the Notary Supervisory Council. This indicates that the Council considered the actions of Notary MI to be a serious violation, as no graduated sanctions were applied. In contrast, Notary DS, who also committed violations of obligations and prohibitions, was initially given a temporary suspension of six (6) months and later received a sanction of honorable dismissal after committing repeated violations.

In previous research examining the behavior of notaries who violate their authority in relation to the release of land rights, based on the decision of the Notary Supervisory Council Number 14/PTS-MPWN PROVINSI JAWA BARAT/VIII/2018, a similarity can be observed in its contribution, as both studies address the issue of sanctions imposed on notaries that are considered inadequate in relation to the violations committed by the respective notaries. In contrast, this research analyzes the UUJN 2004, and UUJN 2014, and its implementing regulations concerning the imposition of sanctions on notaries, the

legal consequences of the found normative ambiguities, and how to formulate benchmarks for violations committed by notaries⁸.

Furthermore, research has also been conducted on the Regulation of Sanction Imposition for Serious Violations Committed by Notaries from the Perspective of Legislation. A similarity can be seen in its contribution, as both studies address the issue of sanctions imposed on notaries, focusing specifically on sanctions for serious violations committed by notaries and the legal remedies available. In contrast, this research analyzes the UUJN 2004, and UUJN 2014, and their implementing regulations regarding the imposition of sanctions on notaries, the legal consequences of the identified normative ambiguities, and how to formulate benchmarks for violations committed by notaries⁹.

Starting from these issues, the existence of legal ambiguity also leads to uncertainty and injustice for both notaries and the public as users of notarial services. Therefore, this research aims to investigate and examine the urgency of regulating benchmarks for sanctions on notaries in the performance of their duties, as well as the legal consequences of normative ambiguities in the imposition of sanctions on notaries according to the Law on the Position of Notary.

⁸ Valencia Isabella, Akhmad Budi Chayono, and Chairunnisa Said Selenggang, "Perilaku Notaris Yang Melanggar Kewenangan Notaris Berkaitan Dengan Pelepasan Hak Atas Tanah Berdasarkan Putusan Majelis Pengawas Wilayah Notaris Nomor 14/PTS-MPWN PROVINSI JAWA BARAT/VIII/2018 (2020)," *Indonesia Notary* 2, no. 2 (June 30, 2020), <https://scholarhub.ui.ac.id/cgi/viewcontent.cgi?article=1326&context=notary>.

⁹ Ratih Novitasari, Yetniwati Yetniwati, and Dwi Suryahartati, "Pengaturan Penjatuhan Sanksi Terhadap Pelanggaran Berat Yang Dilakukan Oleh Notaris Dalam Perspektif Peraturan Perundang-Undangan," *Wajah Hukum* 6, no. 2 (October 14, 2022): 211, <https://doi.org/10.33087/wjh.v6i2.821>.

METHOD

The type of research used by the author is Yuridis-Normative Legal Research. This research examines the written regulations in force in Indonesia from various aspects, thus providing a broad scope and focusing on legal principles, doctrines, and fundamental legal principles¹⁰. In this research, the author analyzes issues within the Law on the Position of Notary in relation to concrete cases through relevant rulings. This normative-juridical study employs a statute approach, which involves examining all laws and regulations related to the legal issues being investigated, as well as a case approach to analyze the cases that have occurred. The legal materials used in this research consist of, Primary Legal Materials, which include the applicable laws and regulations in Indonesia, such as the Notary Position Law (UUJN), the Code of Ethics, and other positive laws in Indonesia. Secondary Legal Materials, which include books, cases, expert writings, theses, dissertations, national journals, and international journals, with a particular focus on the case approach outlined in the introduction of this article. These materials were gathered through library research as well as online sources. These legal materials will be analyzed using a Descriptive Analysis Method, which includes systematic interpretation (analyzing regulations in connection with secondary legal materials and positive law, comparing applicable rules with the cases being analyzed) followed by grammatical interpretation (emphasizing the meaning or interpretation of a text within the legal framework, with a deep understanding of the regulations in force, particularly in the notarial field).

¹⁰ Peter, Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi*, Cetakan ke-14 (Jakarta: Kencana, 2019).

RESULTS AND DISCUSSIONS

1. Analysis of the Benchmarks for Imposing Sanctions on Notaries in the Law on the Position of Notary

In carrying out their duties, notaries possess rights (authority) and obligations, as outlined in Articles 15 and 16 of the Law on the Position of Notary (UUJN). The subsequent provision is contained in Article 17 of the UUJN, which addresses the prohibitions on notaries in performing their duties. Furthermore, these prohibitions are inherently linked to sanctions; however, the sanction provisions in the UUJN only regulate the imposition of sanctions:

- a. Verbal reprimand;
- b. Written reprimand;
- c. Temporary suspension;
- d. Honorable dismissal; and/or
- e. Dishonorable dismissal.

However, neither the explanations of each article nor the provisions provide further details regarding the benchmarks for imposing sanctions. For instance, it does not specify under what circumstances a verbal reprimand would be issued, nor does it clarify the conditions that would lead to a dishonorable dismissal. In fact, these provisions should be clearly articulated to avoid any ambiguity in their interpretation.¹¹

In essence, the notary profession is one of the law enforcement roles aimed at upholding truth and justice. Therefore, law enforcement officials must act in good faith and with sincerity, making this profession a noble and esteemed vocation (*officium nobile*)¹². In their capacity as public officials, notaries are granted the authority to create authentic deeds, as mandated by

¹¹ Sania Salamah and Agung Iriantoro, "PRINSIP KEHATI-HATIAN DAN TANGGUNGJAWAB NOTARIS DALAM MEMBUAT AKTA BERDASARKAN PASAL 16 AYAT (1) HURUF a UNDANG-UNDANG JABATAN NOTARIS (STUDI KASUS PUTUSAN NOMOR 457 PK/Pdt/2019)," *Imanot: Jurnal Kemabasiswaan Hukum & Kenotariatan* 1, no. 2 (December 27, 2022): 540–74.

¹² Sophia Nur Diana, Mispansyah Mispansyah, and Ahmad Syaafi, "Kedudukan Akta Berhubungan Dengan Pelaksanaan Jabatan Dari Oknum Notaris Yang Berijazah Palsu," *Lambung Mangkurat Law Journal* 5, no. 2 (September 30, 2020): 230–44, <https://doi.org/10.32801/lamlaj.v5i2.187>.

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Article 15, paragraph (1) of the Law on the Position of Notary (UUJN). The term “deed” encompasses two distinct meanings: it refers to “actions” (*handling*) or “legal acts” (*rechtsbandeling*), and it also refers to “a written document prepared to serve as evidence in a specific legal act, in the form of documentation intended for particular proof”¹³. Based on the role of notaries as enforcers of justice and truth, the process of creating deeds should be governed by clear guidelines and boundaries.

It has been previously outlined that in the case decided by the West Java Provincial Supervisory Council on February 26, 2007, No. 129/MPW JABAR/2007, Notary DS, based in Bandung, committed violations, resulting in the MPW JABAR imposing a sanction of a temporary suspension from office for six (6) months. Subsequently, Notary DS committed further violations, as noted in the decision of the Central Notary Supervisory Council on October 9, 2018, No. 03/B/MPPN/X/2018. Consequently, the Central Notary Supervisory Council recommended the imposition of a dismissal with honor to the Minister of Law and Human Rights of the Republic of Indonesia for violating the regulations governing the position of notary and the code of ethics, as well as for repeatedly committing violations.

In a similar case involving Notary MI, who also committed similar violations, Notary MI was imposed with a dishonorable dismissal without being subjected to a graduated sanction process from lighter to heavier sanctions by the Notary Supervisory Council. This indicates that the Council deemed Notary MI's actions as serious violations, as he was not subjected to a graduated sanction approach. Meanwhile, Notary DS, who also violated obligations and prohibitions, was first sanctioned with a temporary suspension of six (6) months and then received an honorable dismissal after committing repeated violations.

According to the provisions set forth in Article 67 of the Notary Position Law (UUJN), the supervision of notaries is carried out by the Minister, who establishes a Supervisory Council for this purpose. Therefore, the oversight of notaries is conducted by the Notary Supervisory Council, which operates on a tiered basis, consisting of the Regional Supervisory

¹³ Febrian Rizky Nuari and Aisyah Ayu Musyafah, “Kewajiban Penting Pelekatan Sidik Jari Penghadap Pada Minuta Akta Yang Dibuat Notaris,” *Notarius* 16, no. 3 (December 29, 2023): 1724–40, <https://doi.org/10.14710/nts.v16i3.51275>.

Council (MPD), followed by the Provincial Supervisory Council (MPW), and finally the Central Supervisory Council¹⁴. Subsequently, Articles 85 to 93 of the Notary Position Law (UUJN) regulate the mechanism for imposing sanctions on notaries who violate statutory regulations or the professional code of ethics. The sanctions that may be imposed include warnings, temporary suspension, and dismissal with or without honor. These sanctions are tiered and based on the nature of the violations committed by the notary¹⁵.

Referring to the case of Notary DS, the sanction imposed was a temporary suspension of six months after he was found to have committed a violation in 2007. Following that, DS committed another violation, which resulted in the MPPN imposing a dismissal with honor. This demonstrates a process of imposing sanctions in a tiered manner, from lighter sanctions to heavier ones, in accordance with the sanction mechanism outlined in the Notary Position Law (UUJN). In contrast, in the case of Notary MI, despite committing similar violations, Notary MI was immediately subjected to dismissal without honor without first going through the stages of lighter sanctions. This raises questions regarding the consistency of the application of rules and the assessment by the Supervisory Council regarding the violations committed by Notary MI. Based on this, there are several factors that need to be considered in the imposition of sanctions on notaries:¹⁶

- (1) Level of Violation: Although the violations committed by DS and MI are similar, the assessment of the severity of the violations may differ. In this case, the Supervisory Council may have determined that the violation committed by Notary MI was more severe or posed a greater risk compared to that of DS, leading to an immediate sanction of dismissal without honor.

¹⁴ Mia Elvina, "IMPLIKASI HUKUM TERHADAP AKTA YANG DIBUAT NOTARIS YANG TIDAK DIBACAKAN DAN DITANDATANGANI SECARA BERSAMA-SAMA" (Tesis, UNIVERSITAS ISLAM INDONESIA, 2020).

¹⁵ Desi Napouling, "Pemberhentian Dengan Tidak Hormat Bagi Notaris Yang Melakukan Tindak Pidana (Studi Putusan Majelis Pengawas Pusat Nomor: 18/B/MPPN/XII/2017)," *Indonesian Notary* 4, no. 2 (June 30, 2022): 1300–1323, https://scholarhub.ui.ac.id/notary/vol4/iss2/18/?utm_source=scholarhub.ui.ac.id%2Fnotary%2Fvol4%2Fiss2%2F18&utm_medium=PDF&utm_campaign=PDFCoverPages.

¹⁶ Ahmad Rifa'i and Anik Ifitah, "BENTUK-BENTUK PELANGGARAN HUKUM DALAM PELAKSANAAN JABATAN NOTARIS," *Jurnal Supremasi* 8, no. 2 (November 2, 2018): 38–49, <https://doi.org/10.35457/supremasi.v8i2.486>.

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- (2) Repetition of Violations: DS was subjected to a temporary dismissal sanction after the first violation and a dismissal with honor after the second violation. This indicates a level of tolerance from the Supervisory Council towards the repeated violations committed by DS, which contrasts with MI, who was immediately imposed with the heaviest sanction without an opportunity to correct his behavior.
- (3) Code of Ethics and Compliance: In deciding on sanctions, the Supervisory Council also considers violations of the professional code of ethics. If MI is deemed to have committed a very serious violation or violated fundamental principles in carrying out his duties, the Council may decide to impose the heaviest sanctions immediately.

Based on the three considerations mentioned, referring to the UUJN and the Notary Code of Ethics, these should serve as guidelines for the behavior and authority limits of Notaries. The sanctions imposed should align with these regulations, and the Supervisory Council has the authority to assess the level of violations that occur. In this context, the difference in sanctions given to DS and MI indicates that the Supervisory Council of Notaries has discretionary policy in evaluating the severity of the violations. However, the inconsistency in the application of these sanctions raises perceptions of unfairness or legal uncertainty. Therefore, the UUJN and the Code of Ethics should be clearly regulated so that the Supervisory Council can impose sanctions in accordance with legal certainty, ensuring that the clarity of these rules aligns with the principles of justice and proportionality¹⁷.

Based on the analysis of the case, it was found that there is a norm ambiguity in determining the benchmarks for imposing sanctions on notaries who are negligent in performing their duties as public officials. It is known that a regulation with legal ambiguity can lead to various legal issues, as it

¹⁷ Edy Sumarno, Wawan Susilo, and Siti Maisaroh, "Analisis Yuridis Tanggung Jawab Notaris Dalam Membuat Dan Menyimpan Minuta Akta Menurut Undang Undang Nomor 2 Tahun 2014 Tentang Perubahan Atas Undang Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris," *IUS Jurnal Ilmiah Fakultas Hukum XII*, no. 1 (March 1, 2024): 15–47, <https://doi.org/https://doi.org/10.51747/ius.v12i01.1951>.

fails to provide normative certainty¹⁸. The analysis of the cases involving Notary DS and Notary MI, along with the provisions outlined in the Notary Position Law (UUJN), reveals a norm ambiguity in establishing benchmarks for imposing sanctions on notaries who violate their obligations as public officials. This ambiguity presents challenges in terms of legal certainty, which is one of the primary objectives of law itself. In essence, the purpose of the law is closely tied to certainty, justice, and utility

These three elements should serve as the foundation for law enforcement, including the imposition of sanctions on notaries. When the norms in the Notary Position Law (UUJN) do not clearly establish benchmarks for determining the severity of violations, it can result in legal uncertainty and inconsistency in the application of sanctions by the Notary Supervisory Council. This norm ambiguity will undoubtedly impact practical implementation. Therefore, the state must act as a “rechtstaat” to ensure legal certainty as a fundamental aspect of a “rechtstaat.” One of the goals of law, particularly in providing legal certainty, cannot be achieved. Thus, this ambiguity in norms can hinder effective law enforcement and create legal uncertainty for notaries¹⁹. In line with the state's role as a “rechtstaat” or legal state, which encompasses the element of legal certainty, the presence of clear and firm norms in determining sanctions is essential. The state must ensure that the existing legal norms serve as a definite foundation for every action, including the enforcement of professional discipline among notaries. Therefore, more detailed explanations and regulations regarding the imposition of sanctions on notaries are necessary, particularly concerning:

- 1) **Criteria for Violations:** The norms must clearly categorize what constitutes light, moderate, and serious violations.

¹⁸ Dhaniswara K. Harjono, “AKIBAT HUKUM DAN KEKABURAN NORMA DALAM PENGATURAN UNDANG-UNDANG TENTANG TANGGUNG JAWAB SOSIAL PERSEROAN TERBATAS,” *Veritas et Justitia* 8, no. 2 (December 26, 2022): 444–60, <https://doi.org/10.25123/vej.v8i2.5742>.

¹⁹ Nuari and Musyafah, “Kewajiban Penting Pelekatan Sidik Jari Penghadap Pada Minuta Akta Yang Dibuat Notaris.”

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- 2) Proportionality of Sanctions: The sanctions imposed should be commensurate with the severity of the violation, ensuring fairness in the imposition of penalties.
- 3) Clear Boundaries: The norms must explicitly differentiate when a particular violation should incur administrative sanctions, such as warnings or temporary suspension, and when a violation should result in termination, whether with or without honor.

In the context of this research, the ambiguity of norms related to the imposition of sanctions for notaries has been shown to hinder effective law enforcement and lead to legal uncertainty. Therefore, improvements in the existing regulations are necessary to ensure clarity and consistency in the application of sanctions. This is not only important for maintaining the integrity of the notary profession but also for achieving legal objectives that encompass certainty, justice, and utility. Thus, this research emphasizes the need for reform of the legislative provisions concerning sanctions for notaries, in order to create clearer rules that can be implemented fairly and consistently, thereby realizing the expected legal certainty.

2. Legal Consequences of the Ambiguity of Norms Regarding Sanctions Against Notaries Under the Notary Law

The ambiguity of norms regarding sanctions against Notaries under the Notary Law (UUJN) can lead to a number of negative consequences that affect legal certainty, justice, and the integrity of enforcement within the Notary profession. This also stems from the failure of Notaries to fulfill their obligations, which may result in violations that have specific legal consequences²⁰. Therefore, in analyzing the legal consequences of the ambiguity of norms regarding sanctions against Notaries, several important aspects need to be considered:

- 1) Uncertainty of Norms Regarding the Criteria for Imposing Sanctions

The ambiguity of norms concerning the imposition of sanctions on Notaries has the potential to create legal uncertainty, which is a

²⁰ Ilham Prabowo Ghuto, Patricia Audrey Ruslijanto, and Diah Aju Wisnu Wardani, "Implikasi Hukum Bagi Notaris Yang Menghindari Panggilan Penyidik," *JURNAL USM LAW REVIEW* 7, no. 2 (May 31, 2024): 570, <https://doi.org/10.26623/julr.v7i2.8981>.

serious issue in a rule of law (rechtstaat) context. According to fundamental legal principles, legal certainty is one of the primary objectives of any legal system. In carrying out their duties, Notaries may commit mistakes, errors, or violations. If a Notary makes a mistake or error while performing their duty to create authentic deeds, this may result from unprofessional conduct or bias toward one party, leading to problems or violations within the deed itself²¹. However, if the norms do not provide clear guidance on how sanctions should be imposed, who is entitled to receive sanctions, and how the level of violations is classified, this creates uncertainty for legal practitioners, including Notaries and the Notary Supervisory Board, in performing their duties²². Thus, the supervision of the implementation of the Code of Ethics is carried out in the following ways:

- a. At the first level by the Regional Management (MPD) of the Indonesian Notary Association and the Regional Honorary Council;
- b. At the appellate level by the Provincial Regional Management (MPW) of the Indonesian Notary Association and the Provincial Honorary Council;
- c. At the final level by the Central Management of the Indonesian Notary Association and the Central Honorary Council.

The provisions have been outlined in the previous section; however, based on this explanation, the levels of sanctioning the code of ethics by the Supervisory Council should be hierarchical. It should be emphasized that the Notary Honorary Council is a state administrative body authorized to provide guidance to individual notaries. This guidance is carried out by conducting preliminary examinations in the realm of administrative law concerning the existence or non-existence of violations. The legal ambiguity in the existing norms lacks meaning or creates ambiguity, which complicates the interpretive

²¹ Ni Komang Sri Intan Amilia and I Gede Yusa, "Akibat Akibat Hukum Pelanggaran Kewajiban Notaris Terhadap Ketentuan Pasal 3 Angka 15 Kode Etik Notaris," *Acta Comitatus* 6, no. 03 (December 1, 2021): 510, <https://doi.org/10.24843/AC.2021.v06.i03.p4>.

²² Fadel Muhammad Caesar, Ichsan Anwary, and Diana Haiti, "Akibat Hukum Pemeriksaan Terhadap Notaris Tanpa Disertai Persetujuan Majelis Kehormatan Notaris," *Notary Law Journal* 2, no. 1 (January 14, 2023): 1–17, <https://doi.org/10.32801/nolaj.v2i1.35>.

space regarding a violation and provides an opportunity for arbitrary enforcement of the law by law enforcement officers²³. However, the uncertainty in the imposition of sanctions on notaries also affects those who are currently performing their duties. This is because notaries working in a situation of legal uncertainty may become confused about the consequences of their actions. This can hinder the smooth execution of their work, as the lack of clarity in the norms not only causes confusion but may also trigger anxiety regarding the potential for disproportionate sanctions.

2) Injustice in the Imposition of Sanctions

In several cases, as illustrated by the cases discussed in the previous section involving Notary DS and Notary MI, there arises a lack of clarity in the norms that can lead to injustice in the imposition of sanctions. The Notary Supervisory Council may impose different sanctions for similar violations due to the absence of clear guidelines for assessing the severity of violations and the appropriate penalties. The lack of a standard scale to measure the severity of violations often leads the Supervisory Council to face difficulties in determining the weight of a violation. A similar violation may be deemed minor by one council while considered severe by another. This lack of clarity in the norms triggers inconsistent and potentially discriminatory decisions. For example, if one Notary receives a lighter sanction despite committing a similar or more severe violation compared to another Notary who faces a heavier penalty, it indicates injustice in the application of sanctions. Such injustice can impact the reputation and integrity of the Notary profession. When there is disparate treatment of Notaries in the context of similar violations, it can undermine public trust in the legal system and the credibility of the institution overseeing the profession.²⁴

3) Demand for Revision of the Law

This ambiguity in the norms will lead to demands from various parties, especially from notaries and legal practitioners, for a revision of the Notary Office Law. This revision is expected to provide a more

²³ Irfan Iryadi, "KEWENANGAN MAJELIS KEHORMATAN NOTARIS DALAM PERSPEKTIF HUKUM ADMINISTRASI NEGARA," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 9, no. 3 (December 8, 2020): 481, <https://doi.org/10.33331/rechtsvinding.v9i3.484>.

²⁴ Iryadi.

detailed explanation regarding the categories of violations and the criteria for imposing sanctions, thereby creating a system that is fairer, more transparent, and consistent. This is based on:

- a) **Need for Legal Reform:** The ambiguity in the norms indicates the necessity for legal reform in the field of the notary profession, particularly in providing clarity and consistency regarding the sanctions mechanism. This reform may take the form of implementing regulations or more detailed technical guidelines concerning the types of violations and the appropriate sanctions.²⁵
- b) **Role of the State as a Rechtsstaat:** As a legal state, Indonesia is obligated to ensure that the legal system, including the oversight of notaries, adheres to the principles of legal certainty, justice, and utility. The state needs to strengthen the existing legal regulations to avoid ambiguity and uncertainty in the enforcement of rules against notaries.

Based on the above explanation, the legal consequences arising from the ambiguity of norms in the imposition of sanctions on notaries under the Notary Position Law (UUJN) are quite significant. The lack of clarity in the regulations creates legal uncertainty, leads to injustice in the application of sanctions, weakens the quality of law enforcement, and opens the door to potential legal challenges and demands for legal reform. In the context of a legal state (*rechtstaat*), it is crucial for the state to ensure that the norms governing sanctions for notaries are clear, proportional, and consistent so that law enforcement can function effectively, provide justice, and uphold the integrity of the notary profession.²⁶

Therefore, each violation must be clearly categorized into specific categories: **Minor Violations:** Violations that do not significantly affect the quality of the notary's work, but still reflect negligence or administrative errors. For example, delays in submitting reports or minor mistakes in drafting notarial deeds

²⁵ Richard Angling Wibisono, "Tanggung Jawab Notaris Atas Keabsahan Akta Otentik Yang Memakai Surrogate Sebagai Pengganti Tanda Tangan," *UNES Law Review* 6, no. 4 (January 15, 2024): 10398–406, <https://doi.org/https://doi.org/10.31933/unesrev.v6i4.1876>.

²⁶ Karsayuda et al., "Legal Construction of Infrastructure Financing Based on Public Private Partnership to Realize National Resilience."

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that do not affect the substance. The sanctions applied may include oral or written warnings. Moderate Violations: Violations that are more serious, but do not undermine the substance of the notarial act or public trust. For example, abuse of authority in carrying out notarial duties, but without causing significant material loss. More severe sanctions may include temporary suspension or honorable dismissal. Severe Violations: Violations that damage the integrity of the notary profession and have a negative impact on society or the parties being served. For example, document forgery, abuse of office for personal gain, or serious breaches of the code of ethics. The sanctions applied should be more stringent, such as dishonorable dismissal or other actions in accordance with applicable civil or criminal law. Thus, with these clear criteria, certainty and fairness can be provided to notaries in performing their duties.

CONCLUSION

The ambiguity of norms in the Notary Position Law (UUJN) regarding the criteria for imposing sanctions on notaries who violate regulations is evident. Although the UUJN specifies various types of sanctions, such as verbal warnings, written warnings, temporary suspensions, honorable dismissals, and dishonorable dismissals, it lacks clarity on the criteria or parameters used to determine the severity of violations. As a result, the sanctions imposed are often subjective and inconsistent, as seen in the cases of Notary DS and Notary MI, who received different sanctions despite committing similar violations. This indicates that the legal ambiguity within the UUJN has the potential to hinder effective law enforcement, create legal uncertainty, and undermine the integrity of the notary profession. There is a need to revise or supplement the Notary Position Law (UUJN) with clearer and more detailed regulations regarding categories of violations and the criteria for imposing sanctions. More stringent norms are necessary to avoid uncertainty in the application of the law. The proportionality of sanctions must be aligned with the level of violations, clearly distinguishing between minor, moderate, and serious violations. This will ensure fairness in the imposition of sanctions. The Notary Supervisory Council should

apply consistent standards when imposing sanctions, taking into account the principles of justice and proportionality. Strict and measurable oversight will prevent disparities in the imposition of sanctions for similar violations.

Therefore, each violation must be clearly categorized into specific categories: Minor Violations: Violations that do not significantly affect the quality of the notary's work, but still reflect negligence or administrative errors. Moderate Violations: Violations that are more serious, but do not undermine the substance of the notarial act or public trust. Serious Violations: Violations that damage the integrity of the notary profession and have a negative impact on society or the parties served.

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