

The Role of The Notary Code of Ethics and Notary Legislation Against Notaries Who Commit Criminal Acts of Fraud and Embezzlement (Case Study Court Decision Surabaya No 2200/PID.B/2020/PN SBY)

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ABSTRACT

This study discusses the Surabaya District Court Decision Number 2200/Pid.B/2020/PN SBY to analyze the Notary Code of Ethics role and other laws and regulations against Devi Chrisnawati, who committed fraud and embezzlement of money. Devi Chrisnawati, where Devi Chrisnawati promises the victim a 5% profit if the victim lends money to Devi Chrisnawati. Devi Chrisnawati was then proposed to be dishonorably dismissed by the Central Supervisory Council because Devi Chrisnawati committed fraud and embezzlement while still serving as a Notary in the city of Surabaya. The fraud and embezzlement committed by Devi Chrisnawati have violated Article 6, paragraph (1) of the Notary Code of Ethics.

ABSTRAK

Penelitian ini membahas mengenai Putusan Pengadilan Negeri Surabaya Nomor 2200/Pid.B/2020/PN SBY untuk menganalisis peran Kode Etik Notaris dan peraturan perundang-undangan lainnya terhadap Devi Chrisnawati yang melakukan tindak penipuan dan penggelapan uang. Devi Chrisnawati yang dimana Devi Chrisnawati menjanjikan korbannya keuntungan 5% jika korban meminjamkan uang kepada Devi Chrisnawati. Devi Chrisnawati kemudian diajukan pemberhentian secara tidak terhormat oleh Majelis Pengawas Pusat dikarenakan Devi Chrisnawati melakukan tindak penipuan dan penggelapan tersebut saat masih menjabat sebagai Notaris di kota Surabaya. Penipuan dan Penggelapan yang dilakukan oleh Devi Chrisnawati telah melanggar Pasal 6 ayat (1) Kode Etik Notaris

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I. CONCLUSION

Notary as a noble profession (*officium nobile*) plays an important role in social life, an especially modern society which wants the documentation of a certain legal event or legal act carried out by a legal subject both in the meaning of a legal subject in the form of a person (*natuurlijke persoon*) and a legal subject in the sense of a legal entity (*recht persoon*). (Anand, 2018) Notary is one of the legal professions whereas a general officer has the authority to do authentic deeds as long as the making of certain authentic deeds is not specifically for other general officials. Notary as a profession has the following characteristics: Covers a specific field; Have special skills and skills; It is fixed or continuous; Prioritising service over reward; Earn income in the form of honorarium as a form of

appreciation; There is an obligation to keep the information confidential from the client; Grouped in an organisation; The existence of a code of ethics and a judicial code of ethics.(Anand, 2018)

Notary has the authority regulated in Article 15 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, which contains that the Notary is authorised to make authentic Deeds regarding all deeds, agreements, and determinations required by laws and regulations and desired by the interested person to be stated in the authentic Deed, guaranteeing the certainty of the date of doing the Deed, keeping the Deed, giving Grosse, copies and quotations of the Deed, all of them so long as the making of the Deed is not also assigned or excluded to any other officer or other person established by law.

Based on Article 16, paragraph (1) of the Amended Notary Position Law (UUJNP) states that in carrying out his position, the Notary is obliged to: act trustworthy, honest, thorough, independent, impartial, and safeguard the interests of related parties in legal acts; do a deed in the form of a minute deed and keep it as part of the Notary Protocol; attaching letters and documents, and fingerprints to the minute of the deed; issue Grosse deed, Copy of deed, or quotation of deed based on minute deed; render service by the provisions of this act, unless there is reason to refuse it; keep confidential everything about the deed he made and all information obtained to make the deed by the oath of office unless the law specifies otherwise; binding the deed made by him in 1 (one) month into a book containing no more than 50 (fifty) Deeds, and if the number of deeds cannot be contained in one book, the deed can be bound into more than one book, and record the number of minutes deeds, the month and year of their creation on the cover of each book; make a list of deeds of protest against non-payment or non-receipt of securities; Make a list of deeds relating to the will according to the order of time in which the deed is made every month; send the list of deeds referred to in letter I or the list of nil relating to wills to the centre of the will register at the ministry that organizes government affairs in the field of law within 5 (five) days in the first week of each subsequent month; record in the repertorium the date of delivery of the will list at the end of each month; have a stamp or stamp that contains the national emblem of the Republic of Indonesia and on the space surrounding it is written the name, position, and place of position concerned; read the deed before the appellant in the presence of at least 2 (two) witnesses, or 4 (four) special witnesses for the making of the will deed under the hand, and signed at that time also by the accuser, witness, and Notary; and accepting internships for prospective Notaries.(Salsa, 2020).

The position of a notary as a general official who carries out duties as a public function is appointed and dismissed by the Minister of Law and Human Rights of the Republic of Indonesia to serve the interests of the community. In carrying out the duties of his office a notary must adhere to the Notary's Code of Ethics.(Udin Narsudin, 2022) The notary profession is an organ whose authority is granted by law to have duties and responsibilities in providing services to the general public, especially as a written and authentic evidence related to legal actions desired by the parties, who are interested or required by laws and regulations. Thus the Notary Code of Ethics is a demand, guidance, moral or moral guideline of a notary.(Udin Narsudin, 2022)

The Notary Code of Ethics is all moral rules determined by the Indonesian Notary Association which will hereinafter be called the "Association" based on the decision of the Congress of the Association and/or which is determined by and regulated in the laws and regulations governing it and which apply to and must be obeyed by any and all members of the Association and all persons carrying out the duties of the position as Notaries, including Temporary Notary Officers, Substitute Notaries, and Special Substitute Notaries.(Jurdi, 2022) Notary authority is granted by law for the service of the public interest, not for the personal self-interest of the notary. Therefore, the obligations assumed by the notary are the obligations of the position (ambtsplicht). The notary is obliged to carry out the order of the duties of his office, in accordance with the content of the oath at the time of holding the position of notary. The limitation of a notary is said to be disregarding the duties or obligations of the office, if the notary does not carry out the imperative order of the law imposed on him.(S, 2015) Notaries are not only mengabdikan to the public, but also to the government that puts

full trust in him. The notary must be honest and loyal to each party and by working thus can he expect an award. If the Notary commits a misappropriation, however small, let him not think that a customer will shut up if he is prompted how to circumvent a provision of the law. (Kie, 2011)

Notaries in carrying out their obligations in practice also occur in many criminal acts. Criminal Law is the entire law in force in a country, which provides for the basics and rules for: determine which acts should not be done, which are prohibited, accompanied by threats or sanctions in the form of certain criminal penalties for whoever violates the prohibition; Determine in what respects and in what respects those who have violated those prohibitions may be subject to or sentenced as threatened; Determine in what way the imposition of the criminal can be carried out if any person is suspected of having violated the prohibition. (Lukman Hakim, 2020).

The principle of legality is stated in Article 1 paragraph (1) of the Criminal Code. The principle of Legality contained in Article 1 paragraph (1) of the Criminal Code is formulated in Latin: "Nullum delictum nulla poena sine praevia legi poenali", which can be translated into a verbatim Indonesian with: "There is no delik, no criminal without criminal provisions preceding it". It is also often used the Latin term: "*Nullum Crimen sine lege stricta*", which can be copied verbatim also with: "There is no delik without strict provisions".

Hazewinkel Suringa used the Dutch words "*Geen delict, geen straf zonder een voorafgaande strafbepaling*" for the first formulation and "*Geen delict zonder een precieze wettelijke bepaling*" for the second formulation. (Hamzah, 2017) The purpose of the Criminal Law is to scare people not to commit good crimes that are intended to scare the crowd (generale preventie) and scare certain people who have committed crimes so that in the future they do not commit crimes again (specialie preventie) and also to educate or correct people who have indicated that they like to commit crimes in order to become good people with good character so that they are beneficial to the community. (Didik Endro Purwoleksono, 2016) According to Simons, the elements of a criminal act (strafbaar feit) are human acts, threatened with criminality, against the law, and committed with guilt. (Tomalili, 2019).

Criminal Law when viewed as a whole, in it there are three main problems, namely: Prohibited acts; The person or corporation who committed the prohibited act; Criminal or sanctions threatened and imposed on persons or corporations who violate the prohibition. (Sudaryono dan Natangsa Surbakti, 2017).

The notary also has other authority, namely certifying signatures and determining the certainty of the date of the letter under the hand by registering in a special book, recording the letter under the hand by registering in a special book, making a copy of the original letter under the hand in the form of a copy containing the description as written and described in the letter concerned, attesting the match of the photocopy with the original letter, provide legal counseling in connection with, making deeds, making deeds relating to land or making deeds of auction minutes. Notaries as General Officers throughout Indonesia in carrying out their work are supervised by the Central Supervisory Board of Notaries. The Central Supervisory Board of Notaries must strictly act on Notaries who have committed criminal acts within the notary's tenure. Article 17 paragraph (1) letter i has clearly said that Notaries are prohibited from doing other work that is contrary to religious norms, decency, or propriety that may affect the honor and dignity of the notary's office.

There was a case where a Notary in the City of Surabaya named Devi Chrisnawati ("Perpetrator") was *caught committing fraud and embezzlement* of funds against Parlindungan L, SE, MA ("Victim 1") and Novian Herbowo ("Victim 2") for a total of Rp 4,300,000,000 (four billion five hundred million rupiah). At first around September 2019, the perpetrator called Victim 1 to find a lender for a Bailout Offering Letter from Bank CIMB Niaga Surabaya worth Rp. 2,000,000,000,- (two billion rupiah) and witnesses were asked by the perpetrator to seek funds in the amount of Rp. 1,000,000,000,- (one billion rupiah) furthermore, Victim 1 called Victim 2 conveying what had been conveyed by the Perpetrator that the Offering Letter (OL) was complete and original and guaranteed with a check which according to the Perpetrator transacted with *Offering Letter* was safe because the process was in accordance with the procedure then witness Novian Herbowo transferred a sum of Rp.

1,000,000,000,- (one billion rupiah) to the defendant's account and henceforth by the defendant had returned the money belonging to witness Novian Herbowo including the promised profit of 5% of the loan amount.

The lending and borrowing relationship between Perpetrator and Victim 1 and Victim 2 continued smoothly until February 3, 2020, so that Victim 1 and Victim 2 felt trust in the Perpetrator. Then on February 14, 2020, the defendant on the grounds of loan persuaded Victim 1 to hand over money in the amount of Rp. 800,000,000,- (eight hundred million rupiah) for obtaining OL from CIMB Niaga Malang with a value of Rp. 1,000,000,000,- (one billion rupiah) so that Victim 1 believed and then handed over money in the amount of Rp. 800,000,000,- (eight hundred million rupiah) and the defendant gave a guarantee in the form of a Bank Jatim check Number ED 073705 dated February 25, 2020 worth Rp. 840,000,000,- (eight hundred and forty million rupiah).

On February 24, 2020, the perpetrator again persuaded Victim 1 to hand over another amount of Rp. 3,500,000,000,- (three billion five hundred million rupiah) and Victim 1 then believed again with the defendant's words so as to hand over a sum of Rp. 3,500,000,000,- (three billion five hundred million rupiah) and the Perpetrator handed over a bank Jatim cheque guarantee Number ED 073702 dated February 21, 2020 worth Rp. 3,675,000,000,- (three billion six hundred and seventy-five million rupiah), even though the Perpetrator has learned that the Perpetrator is not entitled to issue Bank Jatim cheques based on Warning Letter I Number 054/405/REVOKE dated October 17, 2016 and Notification Letter II Number 059/037/CABUT dated February 19, 2020. The perpetrator every persuaded to loan OL to Victim 1 always said that the loan was safe and sure to return accompanied by a check guarantee so that the witness believed and the defendant was previously also a witness partner at Bank Hana Branch Raya Darmo where the witness worked but finally for a loan dated February 14, 2020 in the amount of Rp. 800,000,000,- (eight hundred million rupiah) with a bank Jatim check guarantee Number ED 073705 dated February 25, 2020 worth Rp. 840,000,000,- (eight hundred and forty million rupiah) and a loan dated February 24, 2020 in the amount of Rp. 3,500,000,000,- (three billion five hundred million rupiah) with a guarantee of Bank Jatim cheque Number ED 073702 dated February 21, 2020 worth Rp. 3,675,000,000,- (three billion six hundred and seventy-five million rupiah) not repaid.

Finally, the witness Parlindungan L, SE, MA came to the defendant and the defendant again persuaded the witness Parlindungan L, SE, MA by making an Affidavit dated March 16, 2020 which contained that the defendant would seek payment of the two loans which the defendant would pay a maximum of March 19, 2020 and March 20, 2020 but after two weeks the defendant also did not make the repayment payment so that the witness finally on March 31, 2020 the witness intended to disbursing two cheques that are used as collateral for the two loans but at the time the witness will disburse at Bank Jatim KCP Darmo Main Branch on Darmo Street No. 38 Surabaya, the two cheque sheets cannot be processed/rejected because the funds are not available in the defendant's account in accordance with the Certificate of Refusal to Disbursement of Cheques from Bank Jatim Number 059/259/DRM/PN/SA dated March 31, 2020. That based on the testimony of witness DOLLY SUHARTO, Bank Jatim has made Warning Letter I Number 054/405/CABUT dated October 17, 2016 and Notification Letter II Number 059/037/CAUP dated February 19, 2020 as well as Notification of Suspension of Cheque and or Bilyet Giro (BG) Use Rights Number: 059/042/REVOCAATION dated February 27, 2020 and Notice of Account Closure Number 059/04/REVOCAATION dated February 28, 2020 Regarding Closing of Current and Cheque Accounts due to the defendants several times issuing a check with a nominal value of Rp. 500.000.000,- (five hundred million rupiah) while the funds in the account are insufficient. - That as a result of the defendant's actions, Victim 1 and Victim 2 suffered losses of approximately Rp. 4,300,000,000,- (four billion three hundred million rupiah) or at least that amount. The perpetrator was also reported by the East Java Regional Supervisory Board to be dismissed as a Notary. The perpetrator is alleged to have committed an offence which includes a gross misconduct which may be dishonorably dismissed.

Based on the explanation of the problem above, the author would like to discuss the Role of the Notary Code of Ethics and Notary Laws and Regulations against Notaries Who Commit Criminal Acts of Fraud and Embezzlement. Based on the background that has been described above, the author sets out the formulation of the problem that will be discussed in this writing is How the role of the Notary Code of Ethics and notary laws and regulations in determining sanctions against notaries who have been proven to have committed criminal acts of fraud and embezzlement of money and How is the role of the Regional Supervisory Assembly, Regional Supervisory Panel, and Central Supervisory Panel in maintaining the professionalism of Notaries.

II. RESEARCH METHOD

The research method that will be used by the author in this study is to use normative juridical research, then the approach used is a statutory approach (*statue approach*), namely reviewing laws and regulations related to the central theme of research. (Jonaedi Efendi dan Johnny Ibrahim, 2018) Normative juridical research discusses doctrines or principles in legal science. (Ali, 2013) Normative legal research serves to provide juridical arguments when there is a vacuum, blurring and conflict of norms. Normative legal research plays a role in interpreting the ktrits aspect of its legal science as a *sui generis* normative science. The theoretical foundation is the foundation contained in the normative/contemplative legal theory level. (I Made Pasek Diantha, 2017) The type of data used in this study is secondary data obtained from literature searches. Then coupled with secondary data obtained from literature research where the data consists of Primary Legal Materials, Secondary Legal **Materials and Tertiary Legal Materials.**

Primary law materials used in this study are: Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary; Notary Code of Ethics; Criminal Code.

Secondary Legal Materials in this study have the function of researching and further exploring primary legal materials. The Secondary Legal Materials used in this study are: Books or literature obtained in the library; Law journals related to research; and Results of thesis and dissertation research.

The data analysis method used in this study is qualitative. This research explores the meaning behind reality, actions, or data obtained, and what is researched or studied is a complete research object. (Sri Mamudji, et al., 2005) All data that the author has obtained is poured into this study systematically and qualitatively to produce research that contains descriptive analytics regarding the role of the Notary Code of Ethics, Regional Supervisory Panel, Regional Supervisory Panel, and Central Supervisory Panel against Notaries who commit criminal acts in the Surabaya District Court Decision Number 2200 / Pid.B / 2020 / PN SBY.

III. RESULT AND DISCUSSION

1. **The role of the Notary Code of Ethics and notary laws and regulations in determining sanctions against notaries who have been proven to have committed criminal acts of fraud and embezzlement of money**

Embezzlement in the Criminal Code ("KUHP") is regulated in article 372, namely what includes embezzlement is the act of taking someone else's property in part or in full) where control of the goods already exists with the perpetrator, but the control occurs legally. Furthermore, fraud is regulated in Article 378 of the Criminal Code, namely to benefit oneself or others unlawfully, by using false names or false dignity, by deception, or a series of lies, moving others to hand over goods to him, or to give debts or write off receivables.

The Notary Code of Ethics based on Article 1 Number 2 of the Notary Code of Ethics is a moral rule determined by the Indonesian Notary Association based on the decision of the Congress of the Association and/or which is determined by and regulated in the laws and regulations governing it

and which applies to and must be obeyed by any and all members of the Association and all persons carrying out the duties of the position as Notary, including Temporary Notary Officers, Substitute Notaries at the time of carrying out office.

The Notary Code of Ethics has a scope based on article 2, which applies to all members of the Association and other people (*as long as the person concerned carries out the position of Notary*), both in the implementation of the position and in daily life. Then based on Article 3 of the Notary Code of Ethics itself is regulated regarding the obligations of the Notary, namely (Kitab Undang-Undang Hukum Perdata [Burgerlijk Wetboek], (Selanjutnya KUHPerdata). Kumpulan Kitab Undang-Undang Hukum KUH Perdata, KUHP KUHAP, 2014): Have good morals, morals and personality; Respect and uphold the dignity and dignity of the Notary Position; Guarding and defending the honor of the Association; Behave honestly, independently, impartially, trustworthy, thorough, full of sense of responsibility, based on laws and regulations and the content of the Notary's oath of office; Improving the knowledge and professional expertise that has been possessed is not limited to legal and notarial science; Prioritizing service to the interests of the community and the State; Providing deed-making services and other authorities for people who cannot afford it without collecting honorariums; Establish one office at the place of residence and the office is the only office for the Notary concerned in carrying out the duties of the daily position; Install 1 (one) nameplate in front of / in the office environment with a choice of size, namely 100 cm x 40 cm, 150 cm x 60 cm or 200 cm x 80 cm, which contains: (Full name and legal title; The date and number of the Decree of appointment of the latter as a Notary; Seat; Office address and telephone/fax number); The base of the nameplate is white with black letters and the inscription on the nameplate should be clear and easy to read. Except in such an office environment it is not possible to install the nameplate in question; Attend, participate and actively participate in activities organized by the Association; Respect, comply with the implementation of the Rules and Decisions of the Association; Pay the dues of the Association in an orderly manner; Paying mourning money to assist the heirs of deceased peers; Implement and comply with all provisions regarding the honorarium established by the Association; Carrying out the position of Notary in his office, except for certain reasons; Creating an atmosphere of family and togetherness in carrying out the duties of positions and daily activities and treating each other's colleagues well, respecting each other, respecting each other, helping each other and always trying to establish communication and silaturahmi; Treating every client who comes in well, does not distinguish his economic status and/or social status; Make a deed within the limit of reasonableness to carry out laws and regulations, especially the Law on the Position of Notary and the Code of Ethics.

Furthermore, the Notary Code of Ethics also regulates the prohibitions that cannot be carried out by a Notary, namely: Have more than 1 (one) office, either branch office or representative office; Install signage and/or writing that reads "Notary/Notary Office" outside the office environment; Publish or promote themselves, either alone or jointly, by including their names and positions, using print and/or electronic media means, in the form of: (Advertisement; Congratulations; Condolences; Acknowledgements; Marketing activities; Sponsorship activities, both in the social, religious, and sports fields); Cooperate with service bureaus / persons / Legal Entities that essentially act as intermediaries to find or obtain clients; Sign a deed whose manufacturing process has been prepared by the other party; Send minuta to the client for signature; Attempting or attempting in any way, for a person to transfer from another Notary to him, whether the effort is made directly to the client concerned or through the intercession of another person; Coercion to the client by means of obtaining the documents that have been submitted and/or psychological pressure with the intention that the client continues to make deeds to him; Carry out efforts, both directly and indirectly, which lead to unhealthy competition with fellow notaries; Establish an honorarium to be paid by the client in an amount lower than the honorarium that the Association has established; Intentionally employ persons who are still employees of other Notary offices without the prior approval of the Notary concerned, including accepting work from employees of other Notary offices; Demonizing and/or blaming a Notary colleague or a deed made by him. In the event that a Notary encounters and/or

finds a deed made by a colleague in which it turns out that there are serious mistakes and/or endangering the client, the Notary must notify the relevant peer of the mistake made by him in a non-patronizing manner, but to prevent unwanted things from arising against the client concerned or his peers; Not performing obligations and committing violations of the prohibitions as referred to in the Code of Ethics by using electronic media, including but not limited to using the internet and social media; Forming exclusive peer groups with the aim of serving the interests of an agency or institution, let alone closing the possibility for other Notaries to participate; Use and list titles that are not in accordance with applicable laws and regulations; Make a deed exceeding the reasonableness limit whose amount limit is determined by the Honor Council; Participate in the auction to get a job / make a deed.

The Notary in this decision has been negligent in carrying out his obligations as a Notary, namely by committing fraud and embezzlement of money which is clearly disrespectful and upholds the dignity and dignity of the Notary Position and also the Notary does not have good morals, morals and personality.

Sanctions that can be given to Notaries are regulated in Article 6 paragraph 1 of the Notary Code of Ethics, namely in the form of: Rebuke; Commemoration; Temporary suspension from membership of the Association; Respectful dismissal from membership of the Association; Disrespectful dismissal from membership of the Association.

The arrangement or juridical basis for the cessation of a notary from office has been specified in the following provisions: Article 8 paragraph (1) of Law Number 30 of 2004 concerning the Position of Notary. This article provides for the dismissal of a Notary from office with respect, and Article 38 to Article 69 of the Regulation of the Minister of Law and Human Rights Number 25 of 2014 concerning Terms and Procedures for the Appointment, Transfer, Dismissal, and Extension of the Notary's Term of Office.

Articles 38 to 69 of the Regulation of the Minister of Law and Human Rights Number 25 of 2014 regulate the dismissal of notaries, both respectfully, temporarily, and with disrespect. The empirical basis for the dismissal of a notary from office is due to the large number of notaries who become: State officials; Who committed a violation of the code of conduct; Insolvency proceedings or postponement of debt repayment obligations; Being under guardianship; Committing despicable acts, and/or Currently serving a period of detention.(H.S. Salim, 2019)

It is clear that the Notary in this case has been dismissed for violating the Notary's Code of Conduct by deliberately smearing the notary's good name by committing acts of Fraud and Embezzlement of such money.

2. The role of the Regional Supervisory Board, Regional Supervisory Board, and Central Supervisory Panel in maintaining the professionalism of Notaries

The Regional Supervisory Council based on Article 70 of Law Number 30 of 2004 concerning the Position of Notary has authorities that include:

- a. Holding a hearing to examine allegations of violations of the Notary Code of Ethics or violations of the implementation of the Notary Position;
- b. Conduct checks on the notarial protocol periodically 1 (one) time in 1 (one) year or at any time deemed necessary;
- c. Granting leave for a period of up to 6 (six) months;
- d. Establish a replacement notary by taking into account the proposal of the notary concerned;
- e. Determine the place of storage of the notary protocol which at the time of handover of the Notary Protocol is 25 (twenty-five) years old or more;
- f. appoint a notary who will act as a temporary holder of the notary protocol appointed as a state official;
- g. receive reports from the public of alleged violations of the notarial code of ethics or violations of the provisions of this law; and
- h. make and submit reports on the exercise of their authority.

The Regional Supervisory Board has obligations regulated in Article 71 of Law Number 30 of 2004 concerning the Position of Notary, namely:

- a. record on the register book included in the Notary Protocol specifying the date of examination, the number of deeds as well as the number of letters under the hands that were passed and which were made from the date of the last inspection;
- b. make minutes of examination and submit them to the local Regional Supervisory Board, with a copy to the notary concerned, the Notary Organization, and the Central Supervisory Panel;
- c. keep secret the contents of the deed and the results of the examination;
- d. receive a notarized copy of the register of deeds and other registers of the Notary and keep them confidential;
- e. examine the community's report against the notary and submit the results of the examination to the Regional Supervisory Board within 30 (thirty) days, with a copy to the reporting party, the Notary concerned, the Central Supervisory Board, and the notary organization; and
- f. filed an appeal against the decision to deny leave.

The Regional Supervisory Panel has the authority that has been regulated in Article 73 paragraph (1) of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, namely:

- a. hold a hearing to examine and make decisions on community reports that can be submitted through the Regional Supervisory Board;
- b. Summoning the reported Notary for an examination of the community's report;
- c. Granting permission for leave of more than 6 (six) months to 1 (one) year;
- d. Examining and deciding on the decision of the Regional Supervisory Board rejecting the leave filed by the notary of the complainant;
- e. Sanctioning both verbal warnings and written warnings;
- f. Proposing the imposition of sanctions against Notaries to the Central Supervisory Council in the form of: Temporary suspension of 3 (three) months to 6 (six) months; or Disrespectful dismissal;
- g. Make minutes of each decision to impose sanctions, which are contained in the numbers 5 and number 6.

The decision of the Regional Supervisory Board shall be final. Every decision to impose sanctions is made a minutes. To check every notary, who is suspected of violating the Code of Ethics and laws and regulations carried out by the Regional Supervisory Panel, the session is closed to the public. (H.S. Salim, 2019)

The Central Supervisory Board has the authority regulated in Article 77 of Law Number 30 of 2004 concerning the Position of Notary, which includes:

- a. Convening hearings to examine and make decisions at the appellate level against the imposition of sanctions and the refusal of leave;
- b. Summoning the reported notary for examination;
- c. Imposing temporary suspension sanctions; and
- d. Proposing sanctions in the form of disrespectful dismissal to the Minister.

Notaries in this case based on the duties and authorities of each Supervisory Panel can clearly be disrespectfully dismissed by the Supervisory Panel for violating the Notary's Code of Ethics by damaging the notary's good name by committing fraud and embezzlement of money. The Regional Supervisory Board makes a report to the Regional Supervisory Panel in which the Regional Supervisory Panel conducts an examination of a Notary who is suspected of having violated the Notary Code of Ethics. Thereafter the Regional Supervisory Assembly proposed giving sanctions with disrespect to the Central Supervisory Assembly. The Central Supervisory Board then summons the notary for examination and convene a hearing to take a decision on the imposition of sanctions against the Notary. The Central Supervisory Panel then proposed sanctioning the disrespectful dismissal of the Minister of Law and Human Rights.

IV. CONCLUSION

Based on the description of the analysis, the author concludes as follows:

The notary in this judgment has violated the Notary Code of Ethics and the Law on the Position of Notary. The notary in this case, is subject to sanctions in the form of dishonourable dismissal because the Notary, in this case, has committed criminal acts of embezzlement and fraud of money belonging to the victims. This is in accordance with Article 6, paragraph (1) of the Notary Code of Ethics. This notary, based on the explanation in the analysis also has no morals by committing criminal acts of embezzlement and money fraud which is contrary to the Notary's Obligations in the Law on the Position of Notary.

The Regional Supervisory Board, the Regional Supervisory Assembly, and the Central Supervisory Panel have important roles in maintaining professionalism. This is because the Notary is a Respectable Profession and it has also become the obligation and authority of the Supervisory Panel to dismiss the Notary in this case undeterred because the Notary has been proven to have committed acts of Embezzlement and Money Fraud against the victims and this has caused the Notary in this case to have damaged the good name of the Notary.

V. ADVICE

Notaries in carrying out their duties should uphold the Notary Code of Ethics and also comply with all provisions of laws and regulations. As a Notary must uphold the good name of the Notary and also his Association. Therefore, notaries must maintain professionalism in carrying out their obligations as general officials.

Notaries must also maintain their good name while still serving as Notaries to maintain public trust in Notaries. The Supervisory Board must further maximize its role in supervising Notaries throughout Indonesia so that events like in this case do not happen again and avoid actions that harm the community.

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