

# The Authority of the Notary Supervisory Board in the Position as a Body or Official of the State Administration in Imposing Administrative Sanctions on Notaries

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**Abstract:** The purpose of this research is to analyze the authority of the Regional Supervisory Board in carrying out its duties as a State Body or Official, as well as to analyze the appropriate forms of administrative sanctions that can be imposed on notaries. The results of this study indicate that the Notary Supervisory Board is a State Body or Official because it is an extension of the authority of the Minister of Law and Human Rights obtained through delegation and attribution stemming from the Notary Office Law. The decisions of the Notary Supervisory Board can be categorized as State Administrative Decisions. A Notary who violates the provisions of Article 16 paragraph (1) letter of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions, will be subject to administrative sanctions based on Article 16 paragraph (11) of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions which regulates that "Notaries who violate the provisions referred to in paragraph (1) letter a to letter l may be subject to administrative sanctions in the form of a written warning, temporary suspension, honorable dismissal or dishonorable dismissal." In Article 85 of the Notary Law, 5 (five) types of administrative sanctions are mentioned: verbal warning, written warning, temporary suspension, honorable dismissal, and dishonorable dismissal.

**Keywords:** Notary Supervisory Board, State Official, Administrative Sanctions

## 1 | INTRODUCTION

Notaries play a vital role in maintaining legal certainty and preventing disputes in various transactions, such as the drafting of legal documents, agreements, and other legal documents. In this regard, notaries are expected to carry out their duties with professionalism, integrity, and compliance with applicable regulations.

To supervise and regulate the practices of notaries, the government usually establishes specialized bodies or institutions tasked with overseeing and controlling notarial activities, such as the Notary Supervisory Board. This body has the authority to oversee notarial practices and impose administrative sanctions if violations of the code of ethics or professional regulations are found. The legal basis

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governing the supervision of Notaries in carrying out their duties and positions is Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 Article 1 number 6, which states that the Supervisory Board is a body authorized and obligated to carry out guidance and supervision of Notaries.

The increasing understanding of the public about the position of notaries and the growing number of businesses operating in various economic sectors have led to an increase in demand for Notary services as public officials who draft deeds or, in other words, as a consequence of the progress of development today, thus, in practice, the community's need for Notary services as deed makers is increasing. The reasons for the community's need for Notary services as deed makers in daily life are due to the increasing number of individuals or businesses entering into agreements or contracts documented in the form of Notarial deeds (M. Luthfan Hadi Darus; 2017).

A Notary is a legal profession, and therefore, the Notary profession is an honorable one. The Notary profession is a noble profession because of its duties and positions to serve the interests of the community, especially in the field of civil law. Therefore, a Notary must always uphold the dignity and honor of the Notary profession. This is because the presence of a Notary is to create written instruments that have probative force. Deeds made by Notaries can serve as legal grounds for the status of property, rights, and obligations of individuals. Errors in deeds made by Notaries can result in the revocation of someone's rights or the imposition of obligations on someone. Therefore, a Notary in carrying out his duties must comply with various provisions stipulated in the Notary Office Law.

In carrying out their duties, Notaries are obliged to adhere normatively to legal regulations and relate to all actions to be taken before being documented in deeds (Habib Adjie; 2009). Legal subjects who come to a Notary do so based on their own needs and desires, and a Notary cannot perform a task or make a deed without a request from the parties involved (Habib Adjie; 2009). Every authority granted by a position must have legal rules. Thus, if an official (Notary) acts as the specified authority, it can be categorized as an unlawful act.

All regulations regarding Notaries have been stipulated in Law Number 2 of 2014, amending Law Number 30 of 2004 concerning the Notary Office. In addition to deeds made by or in the presence of Notaries not only because they are required by legislation but also because they are desired by interested parties to ensure the rights and obligations of the parties for the sake of certainty, order, and legal protection for the parties involved as well as for the community as a whole. A Notary is a public official who is independent and has the right to arrange and determine the office, both in terms of location and building structure and employees in terms of both quantity and salary, independent of other officials or institutions.

Since the presence of Notaries in Indonesia, supervision over Notaries has always been carried out by judicial bodies and the government, to ensure that Notaries fulfill all requirements related to the execution of their duties as Notaries, for the protection of public interests. Notaries are appointed by the Government not for their interests but for the interests of the community they serve. The authority of Notaries is regulated in Article 15 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Office (UUJN) which relates to all forms of actions, agreements, and decisions required by laws and regulations and desired by interested parties to be declared in authentic Notarial deeds.

Supervision, examination, and imposition of sanctions on Notaries, before the Law on the Position of Notaries, was carried out by the Judicial Institution which existed at that time, regulated in Article 140 of the *Reglemen op de Rechterlijke Organisatie en HetDer Justitie* (Stbl.1847 No.23), Article 96 of the *Reglement Buitengewesten*, Article 3 *Ordonantie Buitengerechtigde Verrichtingen* State Gazette 1946 Number 135, and Article 50 Regulations on the Position of Notaries, then supervision of Notaries is carried out by the General Court and the Supreme Court as stated in Article 2 and Article 54 of Law

Number 13 of 1965 concerning Courts in the Environment General Court and Supreme Court. Then a Circular Letter from the Supreme Court of the Republic of Indonesia Number 2 of 1984 concerning Procedures for Supervision of Notaries was also made, a joint Decree of the Chief Justice of the Supreme Court and the Minister of Justice Number KMA/006/SKB/VII/1987 concerning Procedures for Supervision, Enforcement, and Self-Defense of Notaries. After the enactment of the Law on the Position of Notaries, the judiciary no longer carries out supervision, examination, and imposition of sanctions on Notaries, but supervision, examination, and imposition of sanctions on Notaries is carried out by the Minister of Law and Human Rights by establishing a Notary Supervisory Council.

Supervision over Notaries is carried out by the Minister of Law and Human Rights of the Republic of Indonesia, and in its implementation, the Minister forms a body, namely the Notary Supervisory Board. Attributively, supervision over Notaries is under the Minister as a Body or Official of the State Administration, then the Minister delegates its supervisory authority to the Notary Supervisory Board. The Minister (delegator) and the Notary Supervisory Board (delegate) receive the delegation, and the Minister is a Body or Official of the State Administration, thus the position of the Notary Supervisory Board as a Body or Official of the State Administration (Habib Adjie, 2009).

The Notary Supervisory Board plays a crucial role in imposing strict sanctions on Notaries who violate applicable provisions. The issuance of administrative sanctions that are less strict in the law enforcement process is one of the issues that need to be examined today. Often, administrative sanctions in the form of warnings do not deter errant Notaries and are disregarded. Therefore, it would be very interesting to examine the authority of the Notary Supervisory Board as part of the State Administration in imposing administrative sanctions.

Based on the background description above, the author formulates two main problems, namely: how is the authority of the Regional Supervisory Board in carrying out its duties as a body or official of the State Administration? and what are the forms of administrative sanctions imposed on Notaries who violate Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Notary Office?

## 2 | RESEARCH METHOD

The type of research used is normative legal research, which is a method or approach used in legal research that views law as a system of norms. The system of norms referred to includes legislation, legal theories, legal norms, legal principles, court decisions, agreements, and doctrines (teachings). Normative research can also be called library legal research (Bachtiar; 2018).

The methodological approaches used in this research are the Statute Approach, Conceptual Approach, and Case Approach.

The types and sources of legal materials used to support this research are primary legal materials, which are binding legal materials consisting of applicable legislation or regulations, such as the 1945 Constitution of the Republic of Indonesia, Law Number 2 of 2014 concerning the Notary Office, Minister of Law and Human Rights Regulation Number 15 of 2020 concerning Procedures for Supervision of Notary Supervisory Boards (Jhony Ibrahim; 2008). Secondary legal materials are used to support the explanation of primary legal materials. In this research, secondary legal materials consist of literature, papers, scientific works, and articles related to the research topic, as well as books related to the research topic. Tertiary legal materials provide guidance or explanations regarding primary and secondary legal materials. In this case, the researcher uses supporting materials such as the Indonesian dictionary, legal dictionaries, and other materials related to the research topic.

The technique used by the Author for collecting legal materials is through library research, the internet, e-journals, and others. The collection of legal materials from the library is done at the University of Mataram Library and the Faculty of Law Library at the University of Mataram. Then, library research

through the internet and e-journals focuses on the official websites of government and non-governmental institutions, as well as national and international e-journals related to the Author's research. The Author also creates folders to organize all the legal materials obtained to facilitate the analysis.

Legal material analysis is a process of analyzing legal materials to find answers to the researched problems. In this research, the Author uses descriptive and prescriptive analysis, which involves presenting legal materials descriptively and analyzing them prescriptively. This type of analysis is intended to provide argumentation for the results of the research. The researcher's argumentation is aimed at providing prescriptions or evaluations regarding what is right or wrong according to the law or what should be according to the law regarding the facts or legal events resulting from the research (Muhaimin; 2020).

### 3 | DISCUSSION

#### 1. Authority of the Notary Supervisory Board in Carrying Out Its Duties as a State Administrative Body or Official

##### a. Authority of the Notary Supervisory Board as a State Administrative Body

The Notary Supervisory Board is an institution authorized to supervise, inspect, and impose sanctions on notaries. The Notary Supervisory Board has three levels: Regional Notary Supervisory Board, Provincial Notary Supervisory Board, and Central Notary Supervisory Board. Each Notary Supervisory Board has its authority, regulated by the Notary Law, the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02.PR.08.10 of 2004 concerning Procedures for the Appointment of Members, Termination of Members, Organizational Structure, Work Procedures, and Procedures for the Examination of the Supervisory Board, and the Decision of the Minister of Law and Human Rights of the Republic of Indonesia Number M.39-PW.07.10 of 2004 concerning the Secretariat of the Notary Supervisory Board. The following are the authorities held by the Regional Notary Supervisory Board:

According to Article 70 of the Notary Law, the Regional Notary Supervisory Board has the authority to:

- a) hold hearings to examine allegations of violations of the Notary Code of Ethics or violations of the duties of a notary;
- b) conduct inspections of Notarial Protocols periodically, once a year or whenever deemed necessary;
- c) grant leave permits for up to 6 (six) months;
- d) appoint a Substitute Notary considering the proposal of the respective notary;
- e) determine the storage location of Notarial Protocols that have reached the age of 25 (twenty-five) years or more at the time of handover;
- f) appoint a notary to act as a temporary holder of Notarial Protocols who is appointed as a state official as referred to in Article 11 paragraph (4);
- g) receive reports from the public regarding alleged violations of the Notary Code of Ethics or violations of provisions in this law; and
- h) prepare and submit reports as referred to in points a, b, c, d, e, f, and g to the Provincial Notary Supervisory Board (Law Number 2 of 2014).

Based on Article 13 paragraph (2) of Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02. PR.08.10 of 2004, the Regional Notary Supervisory Board has the authority to:

- a) grant leave permits for a period of up to 6 (six) months;
- b) appoint a Substitute Notary;

- c) determine the storage location of notarial protocols that have reached the age of 25 (twenty-five) years or more at the time of handover;
- d) receive reports from the public regarding alleged violations of the Notary Code of Ethics or violations of provisions in the law;
- e) initial and sign the list of deeds, authenticated underhand-written document lists, listed underhand-written document lists that have been recorded, and other required by law underhand-written document lists;
- f) receive in writing copies of the list of deeds, authenticated underhand-written document lists, and listed underhand-written document lists that have been authenticated, made in the previous month no later than 15 (fifteen) calendar days in the following month, which contain at least the number, date, and title of the deed (Regulation of the Minister of Law and Human Rights Number M.02.PR.08.10 of 2004).

A notary is an official appointed and dismissed by a public authority (represented by the government) and given the authority and obligation to serve the community or public in certain matters. What distinguishes a notary from other officials is that although other officials are appointed and dismissed by the government, the nature of their appointment is only permission to hold a state position.

The concept of a position must be continuous, which can be applied to notaries. Even if someone retires from their position as a notary or ceases to be a notary, their status as a notary also ends. However, the notarial position itself will still exist, and the deeds made before or by the retired notary will still be recognized and preserved as a continuity by the notary holding their protocol. There is no sharp distinction between positions in government or an organization and the position of a notary, both of which are held by individuals referred to as officials. The difference lies in maintaining the continuity of a position. Regarding the position of a notary as a continuous position, there is a prohibition for notaries to concurrently hold positions as civil servants, state officials, lawyers, leaders or employees of state-owned enterprises, or leaders of regional or private enterprises, as stipulated in Article 17 paragraph (1) of the Notary Law.

The prohibition against holding multiple positions as mentioned above is intended to ensure that officials can work to their fullest potential continuously as public servants serving the community through the creation of authentic deeds. Holding multiple positions, as mentioned above, would disrupt the execution of the notary's duties because it would require dividing time and not being able to work to the maximum capacity due to the division of tasks and responsibilities as another official.

Every basis of governmental authority or official action must rely on valid authority obtained from 3 (three) sources: mandate, delegation, and attribution. Attribution is the establishment or granting of governmental authority based on legal rules that can be distinguished by its origin. Originating from the central government sources from the People's Consultative Assembly (MPR), the Constitution (UUD) or laws, and originating from local governments sourced from the Regional Representatives Council (DPRD) or Regional Regulations (Perda). The attribution of authority is formed or created by the relevant legal rules or determined by legal rules that specify it.

Meanwhile, delegation is the transfer of an existing authority by a State Administrative Agency or Position (TUN) that has obtained governmental authority attributively to another TUN body or official. Meanwhile, a mandate is not a transfer or delegation of authority, but because the competent authority is temporarily unavailable. In this case, the notary as an official obtains authority attributively because that authority is created and directly conferred by the Notary Law (Siska Natalia; 2016).

A notary is someone practicing a profession that can be found in the considerations of paragraph a of the Notary Law, which states that a notary is a specific position that practices a profession in providing legal services to the public and needs protection and guarantees for the sake of legal certainty. Position

can be interpreted as a role (task) in government or an organization. In this case, it can be understood based on this that the matters or tasks routinely performed by a notary are part of state affairs; therefore, a notary is a position, and the person performing that position (the notary) is an official.

The position of a Notary as an official spark debate as to whether they are considered a public official or a state administrative official. Different views on the status of a Notary as an official stem from various perspectives regarding the interpretation of a Notary's role itself. The Notary Law (UUJN) mentions that a Notary is a public official authorized to create authentic deeds and other powers as specified in the UUJN, which differs from the current doctrine stating that a Notary is a public official. Philipus M. Hadjon in his book "Government According to Law" states that a Notary is a public office with certain powers defined and explicitly stated in Article 15 of the UUJN. According to Philipus M. Hadjon's opinion, a Notary is classified as a public official. Furthermore, in this context, the position of a Notary as an official is also linked to the authentic deeds produced by the Notary, where their assessment uses the principle of legal presumption (*vermoeden van rechtmatigheid*), which is a principle applicable in administrative court proceedings. It will then be examined whether a legal product in the form of an authentic deed can be challenged in the Administrative Court based on this principle, and if so, whether a Notary can be considered a State Administrative Official based on this. A Notary, as a public official authorized to create authentic deeds, plays a crucial role in society's life, with many sectors of business transactions requiring the participation of a Notary. Moreover, several provisions require transactions to be made with a notarial deed, meaning that without a notarial deed, the transaction or activity would not have legal force (Muhammad Fadli Bachtiar, Master of Notary Law Journal, Faculty of Law, Hasanuddin University).

In this regard, the certainty of the Notary's position as an official becomes crucial, as it relates to the legal products produced by the Notary themselves in the form of an authentic deed. Furthermore, this is also aimed at realizing legal certainty regarding the position of the Notary as an Official. Therefore, in this context, the writer attempts to shed light on the position of a Notary as an official to achieve legal certainty, as legal certainty demands that every regulation be made and promulgated clearly and logically. Based on the theory of legal certainty, clarity means that a rule does not lead to multiple interpretations or have more than one meaning, confusing what the rule intends. The position of a Notary is a position desired by the state in the context of realizing legal certainty in the flow of civil interactions. The concept of legal certainty must be reflected in the practice of state and societal life. A system of interactions, whether public or private, must reflect the values of legal certainty and justice (Tomy Michael; 2024).

The Supervisory Board of Notaries as State Administrative Officials The position of the Minister as the Body or Official of State Administrative Affairs, who implement governmental affairs based on prevailing laws and regulations, has implications for the Supervisory Board. The Supervisory Board also holds the position of a Body or Official of State Administrative Affairs because it receives delegation from the Body or Official holding the position as a Body or Official of State Administrative Affairs.

Article 67 paragraphs (1) and (2) of the UUJN fall within the definition of Article 1 of Law Number 51 of 2009, the second amendment to Law Number 5 of 1986 concerning the State Administrative Court, that the Minister, as the Body or Official of State Administrative Affairs who implements governmental affairs based on Laws and Regulations, has delegated its authority to the Supervisory Board, thus functionally and in existence, it acts as a Body of State Administrative Affairs. Not all decisions of State Administrative Bodies are classified as State Administrative Court decisions. There are 2 (two) ways to obtain governmental authority, namely Attribution and Delegation.

The position of the Minister as the executive (government) who exercises governmental power in the qualification as a Body or Official of State Administrative Affairs is regulated based on Article 67 paragraph (2) of the UUJN. The Minister delegates supervisory authority to a Body named the

Supervisory Board. The supervisory board according to Article 1 paragraph (1) of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02.PR.08.10 of 2004 is a body that has the authority and obligation to carry out supervision and guidance of Notaries. Thus, the Minister is the delegator, and the Supervisory Board is the delegatee. The Supervisory Board as the delegatee has the authority to fully oversee Notaries, without having to return its authority to the delegator.

Thus, the Supervisory Board collectively has:

- a) A Body or Official of State Administrative Affairs;
- b) Implementing governmental affairs;
- c) Based on prevailing laws and regulations, namely supervising Notaries following the UUJN.

In conducting supervision, inspection, and imposition of sanctions, the Supervisory Board must be based on the authority specified in the UUJN as a reference for decision-making. This is important to understand because not all members of the Supervisory Board are Notaries, so the actions or decisions of the Supervisory Board must reflect the actions of a Supervisory Board as a body, not the actions of individual members of the Supervisory Board.

Supervision and inspection of Notaries conducted by the Supervisory Board, which includes Notaries at least, are overseen and examined by members of the Supervisory Board who understand the world of Notaries. The presence of Notary members in the Supervisory Board constitutes internal oversight, meaning it is carried out by fellow Notaries who understand the Notary world inside and out, while other elements represent the external aspect, representing academia, government, and society. Thus, the combination of Supervisory Board membership is expected to provide synergy in objective supervision and inspection. In this regard, every supervision is carried out based on prevailing laws and regulations, and Notaries, in carrying out their duties, do not deviate from the UUJN because they are internally and externally monitored. The Supervisory Board of Notaries not only supervises and inspects Notaries but also has the authority to impose sanctions on Notaries who have been proven to violate their duties as Notaries.

## **b. State Administrative Decision**

A decision or *Beschikking* (often also referred to as Determination) can be defined with certain limitations, including firstly, *Beschikking* is a legal act performed by government agencies, expressing the will of these agencies in exercising their special powers, to make changes in the field of legal relations. Secondly, *Beschikking* can also be interpreted as a unilateral public legal act performed by government agencies based on special authority. And thirdly, *Beschikking* is a unilateral legal action in the field of governance carried out by government agencies based on the authority vested in that agency or organ.

Based on these three limitations of *Beschikking*, it can be summarized that *Beschikking* is

- 1) It is a unilateral public legal act or unilateral action of the government and is not the result of mutual agreement;
- 2) Its public legal nature is obtained from or based on special authority or power;
- 3) To bring about changes in the field of legal relations (S.F. Marbun and Moh. Mahfud MD; 2009).

In Article 1 number 9 of Law Number 51 of 2009, the Second Amendment to Law Number 5 of 1986 concerning the State Administrative Court, Written Determination has the following elements:

- 1) The determination must be in writing;
- 2) Contains State Administrative legal actions;
- 3) Based on prevailing laws and regulations;

- 4) Concrete, individual, and final;
- 5) It has legal consequences for individuals or legal entities.

The Supervisory Board in its capacity as a Body or Office of State Administrative Affairs has the authority to issue Written Decisions or Determinations related to the results of supervision, examination, or imposition of sanctions directed at the respective Notary. This complies with the provisions of Article 1 number 3 of Law Number 5 of 1986 concerning the State Administrative Court.

With such a position, Written Decisions or Determinations of the Supervisory Board can be subject to lawsuits by Notaries in the State Administrative Court (PTUN) as State Administrative Disputes. Article 1 paragraph 4 of Law Number 5 of 1986 states that State Administrative Disputes refer to disputes arising in the field of State Administrative Affairs between individuals or Legal Entities or State Administrative Officials, both at the central and regional levels, as a result of the issuance of State Administrative Decisions, including employment disputes based on prevailing laws and regulations.

If a notary feels that the decision of the Supervisory Board is incorrect or burdensome to the notary concerned, or if the examination is not conducted transparently and impartially, the opportunity to appeal to the State Administrative Court (PTUN) remains open after all administrative remedies, provided both administrative objections and administrative appeals, have been exhausted, even though the relevant legal provisions have stipulated that the decision of the state administrative agency or office is final or not subject to further legal recourse because essentially the use of administrative remedies in State Administrative Disputes stems from dissatisfaction with the actions of the State Administration.

The Supervisory Board of Notaries as a Body/Office of State Administrative Affairs, its decision as referred to in Article 77 of the UJUN constitutes a State Administrative Decision (KTUN). Article 1 number 9 of Law Number 51 of 2009, the Second Amendment to Law Number 5 of 1986 concerning the State Administrative Court, states that a State Administrative Decision is a written determination issued by a State Administrative Body or Officer containing State Administrative legal actions based on prevailing laws and regulations, which are concrete, individual, and final, resulting in legal consequences for individuals or Legal Entities.

The actions of the Supervisory Board of Notaries constitute a legal act because the issuance of a decision affects the legal status of the notary concerned. According to the author, not all decisions issued by the Supervisory Board of Notaries can be appealed to the State Administrative Court (PTUN). As long as the decision requires approval from a higher authority, it cannot be appealed to the State Administrative Court, but decisions that are definitive or final can be appealed to the State Administrative Court. This can be seen from Article 48 and Article 51 of the UUPTUN.

## **2. Appropriate Forms of Administrative Sanctions Imposed on Notaries**

### **a. Administrative Sanctions in Notary Office Law**

Notaries are an extension of the state. The state entrusts Notaries to carry out some of the state's affairs or duties, especially in the civil sector (Dondy Permana Putra, *Lex Renaissance Journal*, Vol. 5, No. 1, 2020). Notaries, who in their profession are agencies that with their deeds produce written evidence and have an authentic nature, can do a lot to encourage the public to use written evidence (R. Sugondo Notodisoerjo; 2007).

In carrying out their profession, Notaries do not only carry out work mandated by law but cover a wider field than what is described in the law. Notaries carry out a very important social function, which covers a wider field than the position entrusted to them.

Article 15 paragraph (1) of Law Number 2 of 2014 Amendment to Law Number 30 of 2004 concerning

the Position of a Notary regarding authority, obligations, and prohibitions states that a Notary has the authority to make authentic deeds regarding all contractual acts and provisions required by statutory regulations. invitation and/or what is desired by the interested person to be stated in an authentic deed, guarantee certainty of the date of making the deed, store the deed, provide a grosse copy and quotation of the deed, all as long as the making of the deed is not also assigned or excluded to another official or other person determined by law (E.Y. Kanter; 2001).

The position held by a Notary is a position of trust granted by the Law and society. In carrying out their duties, a Notary must not only possess legal expertise but also be guided by responsibility in fulfilling the trust bestowed upon them, upholding high moral values, legal ethics, and the dignity of their profession. Ignoring these principles could pose dangers to the general public they serve. The role and authority of a Notary are crucial; therefore, a Notary must conduct their profession professionally, with high dedication, and always uphold their dignity by adhering to the Notary Code of Ethics. In carrying out their duties, a Notary must adhere to all moral principles that exist and evolve in society. In addition to responsibility and professional ethics, integrity, and good morals are essential requirements for a Notary.

To protect the interests of the general public and ensure the implementation of the Notary Office entrusted by the Law and Society, legal regulations regarding the supervision of the Notary Office's implementation are highly appropriate. The existence of a code of ethics aims to prevent unethical behavior, provide direction, and ensure the moral quality of its members. Professionals are required to prioritize their profession responsibly.

The UUJN stipulates a mechanism for supervising Notaries in carrying out their duties and authorities, which is carried out by the Supervisory Board of Notaries. Essentially, the authority to supervise and examine Notaries lies with the Minister of Law and Human Rights, whose role includes assisting the President in administering legal and human rights affairs. The government holds the authority to supervise Notaries, thus relating to how the government obtains this supervisory authority (E.Y. Kanter; 2001).

One of the authorities of the Regional Supervisory Board mentioned in Article 73 paragraph (e) is to issue both oral and written warnings. The application of administrative sanctions, an instrument of law enforcement in the Notary Law, includes preventive measures (supervision) and repressive measures (application of sanctions). Preventive measures are carried out through periodic examination of notarial protocols and the possibility of violations in the performance of notarial duties. Repressive measures are implemented through the imposition of sanctions: (Syailendra Alam Wienantya; 2009)

- 1) Regional Supervisory Board, in the form of oral warnings and written warnings, and has the right to propose recommendations to the Regional Supervisory Board for temporary dismissal;
- 2) Regional Supervisory Board, in the form of oral warnings and written warnings, has the right to propose recommendations to the Central Supervisory Board for temporary dismissal ranging from 3 (three) to 6 (six) months and dishonorable discharge;
- 3) Central Supervisory Board, in the form of temporary dismissal, and has the right to propose recommendations to the Minister of Law and Human Rights for dishonorable discharge;
- 4) Minister, in the form of honorable discharge and dishonorable discharge.

One of the legal sanctions for Notaries that will be imposed by the Supervisory Board of Notaries is administrative sanctions. It is interesting to discuss administrative sanctions for Notaries who are not trustworthy, as well as the legal consequences for Notaries who are subject to administrative sanctions by the Supervisory Board of Notaries.

Article 16 paragraph 1 letter a of Law Number 2 of 2014 concerning amendments to Law Number 30 of

2004 concerning Notary Position, explicitly states that a notary, in carrying out his duties and authority as a public official who makes authentic deeds, must behave/act honestly, faithfully, impartially or neutrally, and not have a legal interest in the making of such authentic deeds. Notaries who do not comply with the obligations as stipulated in Article 16 paragraph 1 letter a. Based on Article 5 paragraph (2) of Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004, which consists of written warnings, temporary dismissal (suspension), honorable discharge, or dishonorable discharge.

The implementation of administrative sanctions against notaries who violate the provisions of Article 16 Paragraph 1 Letter a of Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004, is regulated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 61 of 2016 concerning Procedures for Imposing Administrative Sanctions Against Notaries. The legal considerations for the issuance of Minister of Law and Human Rights Regulation Number 61 of 2016 are to implement the provisions of Article 91 A of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004, thus providing legal certainty regarding the Procedures for Imposing Administrative Sanctions against Notaries (Donny Hasbullah; 2006).

The administrative sanctions referred to in Minister of Law and Human Rights Regulation Number 61 of 2016 in Article 1 point 1 state that Administrative Sanctions are penalties imposed by authorized officials on Notaries for committing violations mandated or fulfilling provisions prohibited by laws and regulations. Whereas the term Respondent refers to Notaries who are reported for having committed violations mandated or fulfilling provisions prohibited by laws and regulations (Buchari Rahardiman; 2008).

If you pay attention to several UUJN articles, there are various sanctions applied, including:

- a. The position of a Notarial deed is a deed that has the power of proof as a private deed without accompanying sanctions, which can be a reason for the party who suffers losses to demand costs, compensation, and interest from the Notary (for example Article 16 points 9, 38, 39 and 40 UUJN);
- b. Administrative sanctions only (for example Articles 7, 17, 19, 32, 37, 54, UUJN, and Article 65 A UUJN for Articles 58-59 UUJN, Article 16 number 13 UUJN: written warning only);
- c. There is also the position of a Notarial deed as a deed which only has the power of proof as a private agreement which is accompanied by sanctions in the form of being able to be used as an excuse for the party who suffers a loss to demand reimbursement of fees, compensation and interest from the Notary (for example Article 44 paragraph (4), Article 48 paragraph (3), Article 49 paragraph (4), Article 50 paragraph (5) and Article 51 paragraph (4) UUJN);
- d. There are also administrative sanctions and can also be subject to civil sanctions, which can be a reason for parties who suffer losses to demand reimbursement of fees, compensation and interest from the Notary (for example Article 16 points 11 and 12 UUJN).

In several cases where notaries have to be summoned by the Notary Supervisory Council, this is a violation of Article 16 paragraph (1) letter a UUJN. Violation of Article 16 paragraph (1) letter a UUJN can mean the elements contained in that article, namely the phrase "trust" in legal acts describing the desired or expected moral professional ethics and responsibilities of a Notary; The definition of "honest" describes positive behavior by acting and saying the truth, not cheating and not contradicting actions and words; The word "accurate" means fair, thorough, precise and correct; The term "independent" means that the notary concerned is managerially able to stand alone without depending on other parties; The definition of "not taking sides" is neutral, not taking sides with any party; Maintaining the interests of the parties involved in legal actions means that the Notary maintains the confidentiality of the contents of the Deed he or she makes and will not tell anyone unless the law dictates otherwise.

For Notaries who violate the Code of Ethics, the Honorary Council, in coordination with the Supervisory Council, has the authority to carry out investigations into these violations and can impose civil sanctions

or administrative sanctions for the violations. Administrative sanctions imposed on members of the Indonesian Notary Association (INI) who violate the Code of Ethics can be in the form of:

- a. Reprimand;
- b. Warning;
- c. Schorzing (temporary suspension) from association membership;
- d. Onzetting (dismissal with honor) from association membership;
- e. Dishonorable dismissal from association membership.

The imposition of sanctions as mentioned above on members who violate the Code of Ethics is adjusted to the quantity and quality of violations committed by the member.

#### 4 | CONCLUSION

The authority of the Notary Supervisory Board as a Body or Officer of State Administration is an extension of the authority delegated and attributed by the Minister, originating from the Notary Position Law. Decisions of the Notary Supervisory Board can be categorized as Administrative Decisions. The position of the Notary Supervisory Board as an institution receiving delegated supervisory authority from the Minister of Law and Human Rights categorizes decisions of the Notary Supervisory Board as Administrative Decisions, thus they can become disputes in the Administrative Court. Actions of the Notary Supervisory Board are administrative actions, as seen in the decision copy of the Constitutional Court Number: 009-014/PUU-III/2005, stating that actions of the Notary Supervisory Board are administrative actions (*administratief rechtshandeling*).

Administrative sanctions imposed on a Notary who violates the provisions of Article 16 paragraph (1) letter an of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position, will be subject to administrative sanctions based on Article 16 paragraph (11) of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position which regulates that "Notaries who violate the provisions as referred to in paragraph (1) letter a to letter l can be subject to administrative sanctions in the form of written warnings, temporary dismissal, honorable discharge, or dishonorable discharge. In imposing sanctions on notaries, it is expected that every law enforcement element must impose strict sanctions on notaries proven to have violated the notary code of ethics.

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