



RESPONSIBILITY AND LEGAL PROTECTION OF NOTARY AGAINST PARTIJ ACTE

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Abstract: Notaries are responsible for complying with laws and regulations in terms of carrying out their official duties, therefore based on the great responsibility of notaries, especially in making partij acte which is directly related to the interests of the faces, notaries need to get legal protection. The purpose of this research is to find out the legal responsibility for notaries in making partij acte and to find out the legal protection for notaries in making partij acte. This research uses normative legal research methods. The results show that there are 3 (three) forms of legal responsibility for notaries in making partij acte, namely administrative responsibility, civil responsibility and criminal responsibility. Legal protection for Notaries is institutionally provided by the Notary Honor Council and by law Notaries receive legal protection through the obligations / rights of Notaries.

Keywords: Legal Protection; Notary; Partij Acte; Responsibility.

INTRODUCTION

Notaries have a very important role in legal traffic, especially in the field of civil law, because notaries are public officials, who have the authority to make authentic deeds and other authorities (Salim HS, 2021). Based on Article 1 point 1 of Law No. 2 of 2014 on the Amendment to Law No. 30 of 2004 on the Position of Notary (hereinafter referred to as Law No. 2/2014), a notary is a public official authorized to make authentic deeds and has other authorities as referred to in this law or based on other laws.

The authority of notaries is regulated in Article 15 paragraph 1 of Law No. 2/2014 which states that notaries are authorized to make authentic deeds. An authentic deed is a deed made by an authorized public official that contains or describes authentically an action taken or a situation seen or witnessed by the public official making the deed (Moechthar, 2017). An authentic deed must fulfill what is required in Article 1868 of the Civil Code (hereinafter referred to as the Civil Code), which is cumulative or must cover everything.

Article 1868 of the Civil Code states that an authentic deed is a deed made in the form prescribed by law by or before a public official authorized to do so at the place where the deed is made. Deeds made, although signed by the parties, if they do not meet the requirements of Article 1868 of the Civil Code, then they cannot be treated as authentic deeds, but only have the power as writings under the hand (Purnayasa, 2018).

An authentic deed made by a notary, has 2 (two) forms, namely a deed made by a notary (referred to as an official deed / minutes or relaas acte) and a deed made in the presence of a notary (referred to as a deed of the parties or patij acte) (Widyaswari, 2020). Relaas acte made by a notary contains all things seen or heard directly by the notary, while patij acte is a deed made before a notary at the request of the parties, the contents are the statements of the parties formulated by the notary into a deed (Asikin, 2019).

Notaries are authorized to make authentic deeds regarding the legal acts of the confronters as long as they do not conflict with the applicable laws and regulations (Afifah, 2017). Based on this authority, it creates a responsibility for notaries to carry out the orders of the law. Notaries are responsible for complying with laws and regulations in terms of carrying out their official duties, therefore based on the great responsibility of notaries, especially in making patij acte which is directly related to the interests of the faces, notaries need to get legal protection.

Based on the background description above, the author is interested in examining the formulation of the problem to be answered in this study, namely how legal responsibility for notaries in making patij acte and how legal

protection for notaries in making patij acte.

MAIN PROBLEM

1. how legal responsibility for notaries in making patij acte?
2. how legal protection for notaries in making patij acte?

METHOD OF RESEARCH

The type of research used in this research is normative juridical, which means that it is legal research conducted by examining library materials (Efendi & Johnny Ibrahim, 2018). This normative research is research on legal systematics, namely research whose main objective is to identify the notions or basis in law (Sunggono, 2016). This type of research is used because researchers want to examine everything related to the responsibilities and legal protection for notaries in making patij acte.

The legal materials used in this research are obtained through legal material searches or literature studies on primary legal materials which include the Civil Code, Criminal Code, Criminal Procedure Code, HIR (Het Herziene Indonesisch Reglement), Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions, Minister of Law and Human Rights Regulation Number 17 of 2021 concerning Duties and Functions, Terms and Procedures for Appointment and Dismissal, Organizational Structure, Work Procedures, and Budget of the Notary Honor Council and secondary legal materials that provide explanations of

primary legal materials consisting of literature and journals related to patent rights, as well as tertiary legal materials as legal materials that provide additional explanations or support data that already exist in primary legal materials and secondary legal materials. Tertiary legal materials used are internet searches.

RESEARCH RESULT AND DISCUSSION

1. Legal Responsibility for Notary in Making Partij Acte

Responsibility is defined as the obligation to be responsible for the laws one executes and to repair the damage one causes (Fujiansyah, 2023). The responsibility imposed on the Notary, according to the author, is appropriate to use the term responsibility. Responsibility has a meaning that refers to the responsibility of the Notary to carry out his/her position on the orders of the law, and the Notary is also responsible for providing compensation for mistakes made, if the mistake causes harm to the party facing the Notary or other parties facing the Notary or other parties concerned (Mido et al., 2018). The responsibility of a Notary in carrying out his/her position can be interpreted that the Notary is obliged to implement the provisions in Law No. 2/2014. Notaries are responsible for exercising authority in accordance with Article 15 of Law No. 2/2014, carrying out the obligations of Notaries based on Article 16 of Law No. 2/2014 and making authentic deeds (Notarial deeds) in accordance with the provisions of Chapter VII of Law No. 2/2014 concerning Authentic Deeds (Tim Visi Yustisia, 2016).

Notaries, in addition to complying with all regulations contained in Law

No. 2/2014, are also required to comply with the Notary Code of Ethics (Budiono, 2022). Notary as a profession requires a code of ethics that regulates the behavior of Notaries in carrying out their duties. The Notary profession needs to be regulated by a code of ethics due to the nature and nature of Notary work which is very oriented towards legalization, so that it can become the main legal foundation regarding the status of property, rights and obligations of a client who uses the services of the Notary. The responsibility of the Notary towards this Notary code of ethics can be called moral responsibility or the behavior of Notary officials (Achmad, 2023). The code of ethics for notaries is formulated by the Notary Organization, namely the Indonesian Notary Association (INI) as regulated by the provisions of Article 82 of Law No. 2/2014 (Febrianty, 2023). Supervision of Notaries in implementing the Notary Code of Ethics is carried out by the Notary Honor Council as stipulated in Article 1 number 8 letter a of the Notary Code of Ethics (Larasati, 2023).

The concept of responsibility was also put forward by the originator of pure legal theory, Hans Kelsen. According to Hans Kelsen, responsibility is closely related to obligation, but not identical (Wayne, 2021). The obligation arises because of the existence of legal rules that regulate and provide obligations to legal subjects. Legal subjects who are burdened with obligations must carry out these obligations as an order from the rule of law (Ali, 2006). As a result of the non-performance of obligations, it will lead to sanctions. This sanction is a forced action from the rule of law so that obligations can be carried out

properly by legal subjects. According to Hans, the legal subject who is subject to the sanction is said to be "responsible" or legally responsible for the violation (Kelsen et al., 2021).

Based on this concept, it can be said that responsibility arises from the existence of legal rules that impose obligations on legal subjects with the threat of sanctions if these obligations are not carried out. Such responsibility can also be said to be legal responsibility, because it arises from the command of the rule of law or law and the sanctions given are also sanctions stipulated by law, therefore the responsibility carried out by legal subjects is legal responsibility.

The concept of responsibility applies to Notaries. According to the legislation, namely Law No. 2/2014, Notaries are legal subjects who are burdened with obligations as stipulated in Article 16 of Law No. 2/2014 (Anand, 2018). Notaries are obliged to carry out their obligations in accordance with the orders of Law No. 2/2014, otherwise the Notary will be subject to sanctions as stipulated in Article 16 paragraph (11), paragraph (12) and paragraph (13) of Law No. 2/2014 (Arliman S., 2015). Notaries who are subject to sanctions for violations committed are responsible for implementing sanctions as stipulated by Law No. 2/2014.

Notary in making *partij acte* must pay attention to the provisions of Chapter VII of Law No. 2/2014 on Notarial Deed. Article 38 of Law No. 2/2014 outlines the provisions regarding the legal requirements of a Notarial Deed based on its form, which must consist of the beginning of the deed or the head of the deed, the body of the deed, and the end or closing of the deed, each of which is explained in

detail in paragraph (2), paragraph (3) and paragraph (4) of Article 38 of Law No. 2/2014. The provisions regarding the legal requirements of a Notarial deed are then explained by Law No. 2/2014 not only to the form of the deed, but the provisions regarding the competence of the parties facing are also an obligation for a notarial deed to be considered valid and binding on the parties who make it.

The provisions regarding the validity of Notarial deeds are regulated in Article 38, Article 39 and Article 40 of Law No. 2/2014. These provisions must be fulfilled by the Notary in making a deed, because Article 41 regulates that if these provisions are not fulfilled, the deed only has evidentiary power as a deed under the hand (Boenjamin, 2022). The responsibility of the Notary to implement the provisions of Law No. 2/2014 in this case is absolute. Notaries who violate the provisions of Law No. 2/2014 which results in the deeds of the parties only having evidentiary power as deeds under the hand can be the basis for the parties who feel aggrieved to claim compensation and interest from the Notary concerned. Further provisions regarding the validity of Notarial deeds are regulated by Article 42, Article 43, Article 44, Article 45, Article 46, Article 47, Article 48, Article 49, Article 50, Article 51, Article 52, and Article 53 of Law No. 2/2014 (Farizy, 2023).

Based on the relationship between responsibilities, obligations and sanctions according to Hans Kelsen's theory and the authority, obligations and authenticity of Notary deeds based on Law No. 2/2014, it can be described that the legal responsibility of Notary in making *partij acte* can be divided into 3 (three) forms

of responsibility, namely administrative responsibility, civil responsibility, and criminal responsibility by Notary (Anshori, 2016).

The legal responsibility of Notary in making *partij acte* administratively can be seen from the form of sanctions given for violation of the obligations imposed on Notary. Article 16 paragraph (11) states sanctions in the form of written warnings, temporary dismissal, honorable dismissal or dishonorable dismissal. These sanctions are given if the Notary violates the provisions of Article 16 paragraph (1) letters a through l in relation to the Notary's duties in making *partij acte*. The nature of the sanction in the paragraph, in the author's opinion, is an administrative sanction. This opinion is based on the opinion of J.B.J.M. ten Berge as quoted by Habib Adjie, that administrative sanctions can be divided into 3 (three) types, namely: (Adjie, 2009)

1. Reparative sanctions, namely sanctions aimed at repairing violations of legal order (Septianingsih et al., 2020). Sanctions against Notary in the form of written warnings are reparative administrative sanctions. Notaries are given a written warning so that Notaries can correct their mistakes so that Notaries can carry out their positions in a legal order. Sanctions in the form of warnings given to Notaries do not hinder the authority of Notaries in making authentic deeds, meaning that Notaries who are sanctioned in the form of written warnings can continue to carry out their positions, but must correct

mistakes and act carefully so that these mistakes/violations are not repeated.

2. Punitive sanctions, which are punitive sanctions, and the punishment is an additional burden (Adjie, 2013). Sanctions in the form of temporary dismissal to Notary are punitive sanctions. Temporary dismissal is considered as a punishment for Notary for violating the obligations imposed on him. Notaries who get this sanction cannot carry out their positions temporarily (within the period determined by the sanctioning party), and can carry out their positions again when the punishment time has ended. This temporary suspension aims to allow the Notary concerned to think and be more careful in carrying out his/her official duties when the punishment ends.
3. Regressive Sanctions, which are sanctions as a reaction to acts of disobedience, which result in the revocation of rights to something decided according to the law, as if returned to the actual legal situation before the decision was taken (Sri Devi & Westra, 2021). Sanctions in the form of respectful dismissal and dishonorable dismissal to Notary are regressive sanctions. Notaries who have carried out their positions due to violations are then deprived of their positions and returned to their original state, namely before the Decree on the appointment of Notaries from the Minister. This sanction is of course given to Notaries who have committed serious violations, resulting in the revocation of the Notary position attached to the legal subject.

Notary in making *partij acte* is civilly liable by looking at the sanction given to Notary is a civil sanction. The provisions of Article 16 paragraph (12) provide civil responsibility of the Notary to the party facing the Notary. The provision reads, for Notary who violates the obligations of Notary Article 16 paragraph (1) letter j related to *partij acte* may be subject to sanctions in the form of reimbursement of costs, compensation, and interest to the Notary (Sirait & Benny Djaja, 2023). Such sanctions may be imposed in conjunction with the administrative sanctions described above. In contrast to administrative sanctions, the sanction provided by paragraph (12) is a civil sanction, because it allows the Notary to provide compensation and interest identical to the provisions in civil law to parties who feel aggrieved.

The provisions regarding civil sanctions against Notary are also seen in the provisions of Article 44 paragraph (5) of Law No. 2/2014. Notaries who violate the provisions as referred to in paragraph (1), paragraph (2), paragraph (3) and paragraph (4) of Article 44 of Law No. 2/2014 may be sued for compensation and interest by the party whose loss is caused by the Notary's negligence. Article 41 of Law No. 2/2014 also contains provisions regarding the invalidation of a Notarial deed if it does not fulfill the provisions of Article 38, Article 39, and Article 40 regarding the form, capacity to act of the parties and witnesses in making a Notarial deed. Notarial deeds that only have evidentiary power as deeds under hand due to Notaries not making deeds in accordance with the provisions of Law No. 2/2014 certainly affect the interests of the parties who appear before the Notary, considering

that Notarial deeds are authentic deeds and have perfect evidentiary value. Although Article 41 of Law No. 2/2014 does not contain a provision that the parties can claim compensation and interest, if the parties suffer losses due to the deed made before the Notary only applies as a deed under the hand (not an authentic deed) then according to the perspective of civil law, this can be used as an excuse for the parties to claim compensation from the Notary concerned. The Notary in this case is obliged to be civilly liable to the parties who feel harmed.

Article 1243 of the Civil Code provides that the party who fails to fulfill an obligation can be sued by the party who feels harmed by the non-fulfillment of the performance in the obligation, such demands include compensation in the form of reimbursement of costs and losses suffered and profits that should have been obtained (Badruzaman, 2023). Notary as a party required by the provisions of Article 16 paragraph (1) letter j, Article 38, Article 39, Article 40, Article 42 and Article 43 of Law No. 2/2014 can be said to be a legal subject who is obliged to perform achievements. The achievement that must be fulfilled by the Notary is to make an authentic deed based on the provisions of Law No. 2/2014, and the legal subject who is entitled to the good consequences/advantages of the implementation of the achievement is the party facing the Notary (Notary's client). If the party facing the Notary feels disadvantaged because the Notary does not carry out its obligations in accordance with the provisions in Law No. 2/2014, then the face can sue the Notary in the form of reimbursement of costs incurred,

compensation and interest or profit that should have been obtained. Such responsibility of the Notary is called civil responsibility.

This sanction is given to the Notary if the Notary commits a violation that results in a loss by the party facing or requesting services to the Notary, so that the result of the loss can be a reason to claim reimbursement of costs, compensation, and interest to the Notary. This sanction falls into the civil sphere because there is an achievement (thing that must be fulfilled) by the Notary to the party / face who feels harmed by the violation committed by the Notary. The existence of this achievement creates a legal relationship between the Notary and the party claiming compensation. This legal relationship is regulated by civil law which obliges the Notary to perform the performance as a form of Notary's responsibility. If the Notary does not carry out his responsibilities, then the reason can be used as a basis by the aggrieved party to file a lawsuit to the court, based on evidence of violations committed by the Notary.

Criminal responsibility of Notary is the responsibility that must be carried out by Notary if the Notary is proven legally and correctly that the Notary's actions in making *partij acte* fulfill the elements of a criminal act (Din, 2019). Criminal sanctions against Notary are not regulated in Law No. 2/2014, because the duties and functions of the office of Notary are basically in the realm of administrative law and civil law. Based on the duties and functions of the Notary, Law No. 2/2014 only provides sanctions in the form of administrative

sanctions and civil sanctions against the Notary.

Notary in carrying out the duties of his office does not rule out the possibility of being subject to criminal liability. This can be seen from the elements of a criminal offense regulated in the Criminal Code (hereinafter referred to as the Criminal Code). The sanctions given to Notaries who commit criminal acts in making authentic deeds are also criminal sanctions as stipulated in the Criminal Code, and not sanctions given by Law No. 2/2014. Any violation committed by a Notary, Law No. 2/2014 only provides sanctions in the form of civil sanctions and administrative sanctions.

Criminal sanctions can be given to a Notary, one of which is if the Notary discloses the secrets that he must keep in carrying out the Notary position (Permanasari & Khisni, 2018). Article 322 paragraph (1) of the Criminal Code states that: "Any person who intentionally discloses a secret which he is obliged to keep by virtue of his office or profession, either current or former, shall be punished by a maximum imprisonment of nine months or a maximum fine of nine thousand rupiahs." This provision is in accordance with the obligation of Notary to keep secret all information on the deed he makes, as stipulated in Article 4 paragraph (2), Article 16 paragraph (1) *furuh f*, and Article 54 paragraph (1) of Law No. 2/2014.

Notaries can only be criminally liable in the above actions if the party who feels aggrieved, or the party concerned with the deed complains about the Notary's actions to the police or other law enforcers (Article 322 paragraph (2) of the Criminal Code). The offense contained in Article 322

paragraph (1) based on the provisions of Article 322 paragraph (2) is a complaint offense, so only with a complaint from the party concerned, the Notary can be subject to criminal sanctions. Other criminal liabilities are also possible to be given to the Notary if the Notary's actions fulfill the elements of criminal acts regulated in the Criminal Code (Ardiansyah et al., 2022).

2. Legal Protection for Notary in Making Partij Acte

Notaries in carrying out their official duties are entitled to legal protection from various legal threats from parties who want to dispute the deed made by the Notary (Tarmizi, 2021). Such protection is provided on the basis of the position of Notary and the authority granted to Notary by law. Based on existing institutions in Indonesia, Notaries are implicitly given legal protection by the Notary Honor Council (Toruan, 2020). The Notary Honor Council is a new institution, prior to the amendment of Law No. 2/2014 there was no single legislation that created or formulated the Notary Honor Council. The emergence of provisions regarding the Notary Honor Council in Law No. 2/2014 number 2 of 2014 gives a new task to the Minister to immediately make or formulate regulations regarding the Notary Honor Council. Since the amendment of Law No. 2/2014 in 2014, it was only in 2016 that the Minister issued a Regulation on the Notary Honor Council. Based on these facts, the phrase "...with the approval of the Notary Honor Council..." found in Article 66 paragraph (1) of Law No. 2/2014 until February 3, 2016 is a 'sissy article' which means it cannot be implemented. The article cannot be

implemented because the Notary Honor Council has not been established and there are no regulations governing the Notary Honor Council. The provision can only be implemented after the formulation of a Ministerial regulation regarding the Notary Honor Council on February 3, 2016. It can be said that since 2012 after the Constitutional Court Decision No. 49/PUU-X/2012 until February 3, 2016 there has been a vacuum of legal protection for Notaries because there is no single institution/body that effectively provides legal protection to Notaries.

Regulation of the Minister of Law and Human Rights Number 17 of 2021 on the Duties and Functions, Terms and Procedures for Appointment and Dismissal, Organizational Structure, Work Procedures, and Budget of the Notary Honor Council is the implementation of Article 66 paragraph (1) of Law No. 2/2014. The Notary Honor Council according to Article 1 point 1 is a body that has the authority to carry out the guidance of Notaries and the obligation to give approval or rejection for the purposes of investigation and judicial proceedings, for the taking of photocopies of the Deed Minute and the summoning of Notaries to appear in examinations related to Deeds or Notary Protocols that are in the Notary's storage (Sodiq, 2018). The definition of Notary Honor Council according to this Ministerial Regulation shows the implementation of Article 66 paragraph (1) of Law No. 2/2014 (Mardiansyah et al., 2020). The Notary Honor Council consists of the Central Notary Honor Council formed by the Minister and domiciled in the capital of the Republic of Indonesia and the Regional Notary Honor Council

formed by the Director General on behalf of the Minister and domiciled in the capital of the Province.

The duties and functions of the Central Notary Honor Council and the Regional Notary Honor Council are different. The Central Notary Honor Council according to Article 22 paragraph (1) and paragraph (2) has the task of carrying out guidance and supervision of the Regional Notary Honor Council related to the duties of the Regional Notary Honor Council (Athira & Hoesin, 2022). The duties of the Central Notary Honor Council do not directly provide legal protection to Notaries in terms of refusal or approval of examination in judicial proceedings, but rather provide guidance and supervision on the implementation of the duties of the Regional Notary Honor Council. It can be said that it is the Regional Notary Honor Council that provides direct legal protection to Notaries in the form of approval or rejection of examination of Notarial deeds and Notaries in judicial proceedings.

The Regional Notary Honor Council according to Article 24 in addition to having the duty to provide legal protection to Notaries also has the function to provide guidance related to the dignity and honor of Notaries and provide protection to Notaries related to the obligation of Notaries to keep the contents of the deed confidential (Notary's circular obligation) (Riandini Arief et al., 2019). The Regional Notary Honor Council is also authorized by the Ministerial Regulation in Article 22 related to its duties and functions as an implementation of Article 66 of Law No. 2/2014. The authority results in a responsibility for the Notary Honor Council to carry out its duties properly

and visibly in providing legal protection to Notaries. The Notary Honor Council is also authorized to be able to accompany the Notary in the examination process before the investigator. Notary in this case as a noble office (*nobile officium*) can carry out the duties of his/her office safely and cannot be brought to court without approval by the Notary Honor Council. Based on these provisions, it does not mean that the Notary is immune to the law, but the Notary is obliged to carry out the duties of his/her office with full responsibility and has the consequences of sanctions for any violations committed, both sanctions imposed by Law No. 2/2014 and sanctions imposed by the Notary Code of Ethics (Fara Difah et al., 2021). Notaries who carry out their positions with responsibility and in accordance with Law No. 2/2014 and the Notary Code of Ethics are Notaries who are entitled to legal protection.

In addition to receiving legal protection from the Notary Honor Council as an institution appointed by law to give approval to investigators, prosecutors and judges regarding the summoning of Notaries or Notary protocols to judicial proceedings, Notaries also receive protection by law based on their position. Notaries are given an obligation / right of denial by law, namely the obligation to keep confidential all contents of the deed made by the parties before the Notary (Junita Sari, 2022). This obligation provides a protection gap for the Notary to maintain the confidentiality of the deed made by or before the Notary so that it is not immediately disclosed in the judicial process, unless the parties want the deed as evidence in the dispute faced by the parties.

Legal protection by law against Notarial deeds related to the obligations or rights of the Notary can be found in the provisions of Article 4 paragraph (2), Article 16 paragraph (1) and Article 54 paragraph (1) of Law No. 2/2014, Article 1909 of the Civil Code and Article 146 of the HIR (Het Herziene Indonesisch Reglement), Article 170 paragraph (1) of the Criminal Procedure Code, Article 322 of the Criminal Code and Article 89 paragraph (1) letter b of Law Number 51 of 2009 Second Amendment to Law Number 5 of 1986 concerning State Administrative Courts.

The provision regarding the obligation of a Notary to keep the deed he makes confidential is known as the "right of denial or the obligation of denial of Notary". Based on this provision, the Notary is obliged to keep the contents and information regarding the deed he makes confidential. Notarial deeds contain the will of the parties who appear before the Notary, therefore all matters relating to the deed are the rights and interests of the parties, so the law protects these rights. Notary's circular obligation is one of the efforts to protect the interests of the parties related to the deed made before the Notary (Dewi et al., 2018). The obligation of the Notary to maintain the confidentiality of the deed he makes and the deed made in his presence is an obligation that must be carried out, even according to Article 322 of the Criminal Code Notaries can be sentenced to punishment for violations of not keeping the deed he makes confidential (Sinaga et al., 2021). Parties who appear before a Notary to make a deed, if the information or contents of the deed are made by the Notary in violation of his/her

obligations, and there is a loss to the parties, then the parties can claim compensation and interest against the Notary. According to the provisions of Article 16 paragraph (11) of Law No. 2/2014, Notaries who violate the provisions to keep deeds confidential, may be subject to sanctions in the form of written warnings, temporary dismissal, honorable dismissal, and dishonorable dismissal from the position of Notary (Putri & Henny Marlyna, 2021).

CONCLUSION

Notaries in making partij acte must comply with the provisions as stated in Chapter VII of Law No. 2/2014 concerning authentic deeds. Violation or non-fulfillment of the provisions in the articles regarding authentic deeds results in sanctions for the Notary and the responsibility of the Notary in civil law. Obligations and sanctions are legal responsibilities given to Notaries. Based on these obligations and sanctions, Notary has legal responsibility in making partij acte in the form of administrative responsibility, civil responsibility and criminal responsibility. Legal protection for Notaries in making partij acte can be obtained from 2 (two) elements, namely from the Notary Honor Council and applicable laws and regulations. The Notary Honor Council was formed based on the order of Law No. 2/2014 in Article 66 paragraph (1) which provides a rule that investigators, public prosecutors and judges must go through the approval of the Notary Honor Council if they want to bring Notarial deeds and/or Notaries in the judicial process. The order of Law No. 2/2014 that contains the phrase "...with the

approval of the Notary Honor Council..." can be interpreted as an effort to protect the law against Notary officials. The Notary Honor Council must examine the Notary and the relevant authentic deed requested by investigators, public prosecutors and judges for the purposes of the judicial process, so that based on the authority of the Notary Honor Council, investigators, public prosecutors and judges cannot act arbitrarily to present the Notary or Notarial deed in the trial process. The law also provides protection for the Notary, the Notarial deed and the private nature of the interests of the parties appearing before the Notary, namely with a term known as the right of annulment/annulment obligation of the Notary.

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