

# Juridical analysis of the application of the code of ethics to notaries who commit occupational violations

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## Abstract

**Purpose:** This study aims to analyze the legal arrangements governing the Notary code of ethics in Indonesia, particularly in Tanjungpinang City, examine its practical application in cases of office violations, and identify the obstacles and solutions in enforcing professional discipline.

**Methodology:** The study applies normative and empirical juridical approaches, using legal reviews of the Notary Position Law and INI Code of Ethics, supported by interviews, documentation, and field observations of supervisory practices by the Regional Supervisory Assembly and the INI Honor Council in Tanjungpinang City.

**Results:** The study finds that although notarial ethical regulations are comprehensive, practical enforcement remains inconsistent due to persistent violations, low ethical awareness, weak coordination, and limited public legal literacy.

**Conclusions:** The enforcement of the notarial code of ethics in Tanjungpinang City is still suboptimal despite sufficient normative frameworks. Effective enforcement requires strengthening institutional coordination, raising public awareness, and conducting periodic evaluations of ethical regulations.

**Limitations:** This research is geographically limited to Tanjungpinang City and primarily focuses on current supervisory mechanisms. Broader comparative studies across different regions could provide deeper insights into systemic issues in notarial supervision.

**Contribution:** The study contributes to the discourse on professional accountability in the notarial field by highlighting the gap between normative regulation and empirical practice. It also provides recommendations for improving institutional oversight and public legal awareness, thereby enhancing legal certainty and professional integrity in notarial services.

**Keywords:** *Code of Ethics, Legal Certainty, Notary, Supervision, Violation of Position*

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## 1. Introduction

As social beings, people are constantly engaged in social interactions in their daily lives. The relationships that arise from these social interactions often form legal relationships, which inevitably lead to legal actions with specific legal consequences (Kostruba, 2018; Wibowo, 2025). In this context, legal certainty serves as the foundation for the legal system of a country (Roslan, Handayani, & Karjoko, 2021). The existence of notary institutions emerges as one of the state's efforts to establish certainty and legal protection for its citizens (Riswadi & Situngkir, 2024). In the domain of private/civil law, the

state designates notaries as public officials authorized to create authentic deeds for proof/evidence (Erwan & Citra, 2025; Fahrizal, Budiono, Khalid, & Santoso, 2025). Law No. 2 of 2014 on the Amendment of Law No. 30 of 2004 regarding Notary Positions, Article 1 states: "A Notary is a public official authorized to make authentic deeds and has other powers as specified in this law or other laws."

Ma'ruf and Wijaya (2015) defines a notary as a public official with the authority to make authentic deeds regarding all actions, agreements, and decisions mandated by applicable laws based on the Notary's position law or general regulations, or as requested by the parties involved in creating the deed. Furthermore, Article 15 of Law No. 2 of 2014 on Notary Positions states that Notaries are authorized to create authentic deeds for all actions, agreements, and decisions required by laws and regulations and/or that are desired by the concerned parties to be stated in an authentic deed, ensuring the certainty of the deed's date of creation, as long as such deeds are not assigned or excluded for other officials designated by law (Dewi, Kumalasari, & Setyanti, 2025; Priyambodo & Gunarto, 2017).

The Code of Ethics for Notaries, hereafter referred to as the "Code of Ethics," consists of all moral principles set by the Indonesian Notary Association, hereafter referred to as the "Association," based on the decisions of the Congress and/or as stipulated in the regulations governing this matter (Prasetyo, 2024). These rules apply to and must be adhered to by every member of the Association and anyone holding the notary position, including interim, substitute, and special substitute notaries. From the above definition, it can be understood that the Notary Code of Ethics is a set of moral principles that serves as a guide for the performance of a notary's duties (Wiratmodja & Romlan, 2022). The scope of the Notary Code of Ethics, as outlined in Article 2 of the Notary Code of Ethics of the Indonesian Notary Association (I.N.I.), applies to all members of the Association, as well as other individuals who hold and perform the Notary position, both in the performance of their duties and in their daily lives (Prakoso & Sukirno, 2023).

The Notary Code of Ethics, established in Bandung on January 28, 2005, contains obligations, prohibitions, and exceptions for notaries in the performance of their duties. Notaries may be subject to sanctions if they violate the provisions of the Notary Code of Ethics (Sulistiyono, 2009). The government entrusts the academic community to oversee the performance and conduct of notaries. With the existence of supervisory institutions, as outlined in Law No. 2 of 2014, which amends Law No. 30 of 2004, the ideal implementation of the Notary position should be carried out professionally and honestly, ultimately serving the public with sincerity and supporting legal certainty that is just and fair (Fatriansyah, 2023).

Supervision conducted by the Notary Supervisory Board, based on Law No. 2 of 2014, can be considered both preventive and repressive, as it is regulated with clear rules to ensure that notaries perform their duties without neglecting their dignity, do not violate applicable regulations, uphold their oaths of office, and comply with their professional Code of Ethics (Maulana & Ngadino). Supervisory activities are not only preventive but also repressive, as they involve taking action against violations committed by notaries. To avoid being categorized as violators of the Code of Ethics, Notaries should be more cooperative with the parties or clients, as they carry an important duty to serve the public's interests. If the Notary fails to read the deed and sign it in front of the parties involved, sanctions as outlined in Article 6 of the Notary Code of Ethics will be imposed (Yuniar, Indriasari, & Widyastuti, 2023). The supervision of notaries in carrying out their duties is crucial in cases where they neglect their dignity or violate or make errors regarding the established guidelines or regulations. Therefore, the author intends to examine this issue in this thesis titled: "Juridical Analysis of the Application of the Code of Ethics for Notaries Who Violate Their Duties (A Case Study in Tanjungpinang City)".

## **2. Literature review**

### **2.1. Supervision of Notaries**

The role and authority of notaries are crucial to the life of society. In performing their duties, notaries are required to improve their professionalism and work quality to provide legal certainty and protection for their clients and the public at large. The increasing number of notaries each year leads to fiercer competition among notaries to remain professional and improve themselves (Erniyanti, 2024). With the

introduction of new provisions, namely Law No. 2 of 2014 concerning Notary Positions, supervision by the Notary Honorary Council is regulated in Article 66A, while oversight is conducted by the Regional Supervisory Board, as outlined in Article 67 (Suwardi, 2021). The Notary Honorary Council has the authority to impose sanctions on Notaries, while the Regional Supervisory Board does not, either at the regional or central level, when a Notary violates the professional code of ethics as outlined by the professional organization applicable to all members of the Indonesian Notary Association (I.N.I.) or other individuals holding the Notary position, both in the performance of their duties and in their daily lives (Sjaifurrachman & Fithry, 2021).

## **2.2. Professional Ethics and the Notary Code of Ethics**

Professions generally have a Professional Code of Ethics to supervise their members in performing their duties. Ethics are important for humans living in society. Ethics is not law, and law is not ethics, although the existence of law is often based on ethical principles. Ethics are necessary because the soul and body of humans, living within a community, need harmony (Gundugurti, Bhattacharyya, Kondepi, Chakraborty, & Mukherjee, 2022). According to Liliana Tedjosaputra, professional ethics refers to the totality of moral demands placed on the execution of a profession, addressing both ideal issues and practices that arise from the responsibilities and privileges inherent in the profession. This reflects an effort to clarify ambiguous situations and apply general moral values in a specific field, which is further concretized in the Code of Ethics (Liliana, 1995). The Code of Ethics is a guidance or moral standard for a particular profession, outlining the duties in executing the profession that is compiled by the members of the profession themselves and binding them in practice. Thus, the Notary Code of Ethics serves as a moral or ethical guide for notaries, both as individuals and as public officials appointed by the government for public service, particularly in the area of deed creation (Sapriana, Nurwandri, Arofi, & Diana, 2025).

Professional ethics apply to all jobs or professions, such as lawyers, judges, accountants, and notaries. The term "code" in the Indonesian Dictionary is defined as a "sign," "cipher," etc.. Therefore, the "Notary Code of Ethics" is closely related to the regulations governing the Notary's position, the Notary profession, and the notarial function itself. Experts often say that a high-status group of individuals is expected to voluntarily comply with the Professional Code of Ethics, which cannot be enforced (Talango, Moonti, & Ahmad, 2025).

## **2.3. Confidentiality Principle**

According to the Indonesian Dictionary (KBBI), a principle is the foundation of thought and action. A secret refers to something deliberately hidden to prevent others from knowing. According to Yuni Ningsih, the confidentiality principle is the stance one takes in managing the value and ownership of information received and keeping it protected from personal interests and interests outside the assignment and the legislation. Article 16(1)f of the Notary Law (UUJN) mandates that notaries maintain the confidentiality of deed contents, except as otherwise stipulated by law. This is because authentic deeds must be kept confidential, especially the personal data of the parties involved, to prevent misuse and harm to the parties with a vested interest in the authentic deed (Ningsih & Kiswanto, 2019).

## **3. Methodology**

### **3.1. Type of Research**

Method refers to the process, principles, and procedures for solving a problem, whereas research is a careful, diligent, and thorough examination of a phenomenon to increase human knowledge. Therefore, research methods can be defined as the processes, principles, and procedures used to solve problems in conducting research. According to Siroj, Afgani, Fatimah, Septaria, and Salsabila (2024), research is an effort to discover, develop, and test the truth of knowledge, carried out using scientific methods. Thus, every research begins with ignorance and ends in doubt, and the next stage begins with doubt and ends with a hypothesis (an answer that can be considered true temporarily until proven otherwise).

Using research methods, one can find, determine, and analyze a specific issue to uncover the truth. Research methods provide guidelines and directions for analyzing, studying, and understanding errors

that may exist. Based on the objectives of this research, the results will be descriptive-analytical, describing what exists in the field through an analysis of existing data. In this study, the author describes the implementation of sanctions for violations of the Notary Code of Ethics in the Notary position. This will then be discussed or analyzed based on theories or opinions from the researcher and concluded at the end.

### **3.2. Research Approach**

This research adopts a juridical-empirical approach, meaning that the research is conducted in action on specific legal events occurring in society. The implementation of in-action research is based on empirical facts and is useful for achieving the objectives set by the state or the parties involved in a contract. In-action implementation is expected to be perfect if the normative legal provisions are clear, firm, and complete. The juridical approach is used to analyze the various regulations related to the implementation of sanctions for violations of the Notary Code of Ethics in the Notary position. Meanwhile, the empirical approach is used to analyze law as a behavioral pattern within society, where individuals constantly interact and connect with the social aspects of life.

### **3.3. Research Location and Data Sources**

This research was conducted in Tanjungpinang City, Indonesia, focusing on notaries in Tanjungpinang. The data sources used in this study include primary, secondary, and tertiary data.

#### **a) Primary Data**

Primary data are obtained directly from the field or the object through interviews. It is sourced from statements, answers, questions and facts.

#### **b) Secondary Data**

Secondary data were obtained from the literature, archives, and documents related to the research object.

Secondary data were divided into three parts:

1. Primary legal materials, which are binding legal materials related to the study.
  - a) The 1945 Constitution of the Republic of Indonesia
  - b) Law No. 30 of 2004 on Notary Positions
  - c) Law No. 2 of 2014 on the Amendment to Law No. 30 of 2004 on Notary Positions
  - d) The Civil Code (KUHP)
2. Secondary legal materials, such as books, legal dictionaries, and other literature, were also used. The purpose of secondary legal materials is to provide researchers with "guidance" on the direction of their research.
3. Tertiary legal materials offer guidance and explanations on primary and secondary legal materials. These include legal dictionaries and online resources.

### **3.4. Data Collection Techniques**

In this research, the author used several data collection techniques, including the following:

#### **a) Literature Study**

Document or literature study is the activity of collecting and examining or reviewing documents or literature that can provide information or details needed by the researcher. In this proposal, data collection is done by reading or studying laws and regulations and other literature related to the research object, such as primary, secondary, and tertiary legal materials.

#### **b) Interview**

An interview is a method of obtaining information by asking the interviewee, and it involves interaction and communication. Interviews are conducted to obtain data or information from individuals who are considered knowledgeable and likely to provide reliable and verifiable data. In this case, the author conducted interviews with IG Notaries from Tanjungpinang City and MK Notaries from Tanjungpinang City.

### **3.5. Data Analysis**

The analysis method used in this research is qualitative analysis, as the research aims to examine the quality of a legal norm, thus classifying it as a qualitative method. Legal materials are analyzed

qualitatively, meaning the formulation of justification through the quality of the legal norms themselves, expert opinions, doctrines, and supporting legal information.

## **4. Result and discussion**

### ***4.1. Legal Regulations on the Code of Ethics for Notaries Who Violate Their Position***

Professional code of ethics is a set of moral norms and behavioral rules that serve as a guide for carrying out the duties and responsibilities of a given position. In the context of notarial work, the Notary Code of Ethics is a guide that regulates the attitudes, behavior, and moral responsibility of a notary, both as a public official and as a professional individual. Legally, the regulation of the Notary Code of Ethics can be found in the Indonesian Notary Association's Code of Ethics (KE INI), which is a product of the professional organization and is implied in Law No. 30 of 2004 on Notary Positions, as amended by Law No. 2 of 2014. In the UUJN, provisions on violations of the Code of Ethics are directly linked to the obligations and prohibitions of the position, which can result in the temporary or permanent dismissal of a notary.

The definition of a code of ethics in legal literature contains two main elements: the ethical values of the profession and internal disciplinary mechanisms. According to legal ethics experts, the code of ethics is not just an internal norm of the profession but also reflects the ideal standards that every professional must uphold. In this context, the latest version of the KE INI (from the Extraordinary Congress of INI) includes fundamental principles such as integrity, responsibility, accountability, and independence for notaries. This shows that the code of ethics functions not only as a regulatory tool but also as an indicator of professional ethics. The code of ethics also serves as protection for the public against the potential abuse of power inherent in the notary position. As a public official authorized by the state to create authentic deeds, a notary public must demonstrate loyalty to the principles of justice and legal certainty. Therefore, the function of the code of ethics as a moral foundation reflects a broader legal intention to build public trust in notarial institutions. KE INI explicitly states that every notary must uphold the dignity of their position and not use their office for personal or third-party interests that may tarnish the honor of the profession.

Normatively, the Law on Notary Positions regulates that violations of duties and prohibitions, including violations of the code of ethics, may be subject to administrative sanctions, including dishonorable dismissal. Article 16(1) explicitly states that violations of ethical and professional duties, such as dishonesty, lack of independence, or failure to maintain confidentiality, may result in sanctions such as a written warning, temporary dismissal, or permanent dismissal. This provision gives legal legitimacy to the existence and implementation of a code of ethics as part of the professional accountability system. Thus, it can be concluded that the legal regulation of the Notary Code of Ethics is a synthesis of professional moral norms and legal provisions in Indonesia. The existence of a code of ethics is not only internal to the organization but has become an integral part of the positive legal system governing the notarial position in Indonesia. The role of the code of ethics as a guide to professionalism and integrity is key to maintaining the quality of notary services and ensuring that the notary position remains within the framework of accountable and legally responsible professionalism.

Another form of material violation is the abuse of position by notaries for personal or group interests. Such abuse may involve the creation of fictitious deeds, favoring one party in a legal transaction, or acting as legal counsel without independence from the parties. This contradicts the principle of independence and impartiality, as stated in Article 16(1) of the UUJN, and violates the basic ethical principles in the KE INI, which demand integrity, objectivity, and professionalism. Ethical violations in the INI Code of Ethics reflect moral and professional deviations that are not always covered by formal legal norms. One example is inappropriate self-promotion, such as placing advertisements for notary services in mass media or on social media, which leads to the commercialization of the office. According to the latest version of the INI Code of Ethics (Article 4, letter e), notaries are prohibited from engaging in promotional activities that could damage the dignity of their office. Such actions can be reported to the Honorary Board and serve as the basis for disciplinary sanctions.

Another crucial ethical violation is a conflict of interest, where a notary creates a deed for themselves, their family, or any party with a vested interest in the notary's actions. Such practices violate the neutrality principle emphasized in Article 3 of the INI Code of Ethics and conflict with the spirit of the UUJN, which requires notaries to act objectively and impartially. This is further reinforced by the prohibition in Article 17, letter i of the UUJN, which prohibits notaries from engaging in other activities that affect the dignity and honor of the notary's position. Another emerging form of ethical violation is the lack of integrity, such as when a notary intentionally provides false information in a deed or conceals important legal information from the parties involved. Although this act is not explicitly mentioned in the UUJN, in Article 16(1)(a), Notaries are still required to act "honestly, carefully, independently, and impartially." Violations of these provisions fall under serious ethical breaches and can damage public trust in notarial institutions.

In its legal framework, violations of the obligations and prohibitions of the office, as regulated by the UUJN, can result in sanctions proposed by the Notary Supervisory Board and followed up by the Minister of Law and Human Rights. These sanctions are outlined in Article 85 of the UUJN and include written warnings, temporary dismissal, honorable dismissal, and dishonorable ones. This process is conducted in stages, starting with the Regional Supervisory Board, followed by the Provincial Board, and ultimately the Central Board, with the right to defend the concerned notary. On the other hand, the INI Code of Ethics allows the Regional, Provincial, or Central Honorary Board to handle violations that do not always fall under the category of administrative legal violations but concern morality and dignity of the office. Handling of ethical violations is carried out through honorary trials, and sanctions may include reprimands, strong warnings, temporary deactivation, or even expulsion from INI membership. While these sanctions do not directly affect a Notary's official status, they have significant reputational and professional implications.

Therefore, the legal regulation of Notary office violations in formal, material, and ethical forms has been accommodated through both legislation (UUJN and its amendments) and professional organizational instruments (the INI Code of Ethics). Both complement each other and strengthen the supervisory mechanism of the notarial profession to maintain legal integrity and protect public interests. Notaries, as trusted professionals, must maintain a balance between ethics and law, as deviations in one aspect can undermine the legal legitimacy of every deed they create. Reprimands or written warnings are usually imposed for minor violations such as delays in submitting wills, administrative discrepancies in protocols, or other minor violations. Suspension or temporary dismissal may be imposed if a notary commits more serious violations, such as violating the office prohibition, being in the bankruptcy process, or even undergoing detention. This is explicitly regulated in Article 9(1) of Law No. 2 of 2014, which extends the reasons for temporary dismissal to include violations of the Code of Ethics.

Organizational sanctions are imposed by the Honorary Board of the Indonesian Notary Association (INI), an internal body authorized to handle violations of the professional code of ethics. The latest version of the INI Code of Ethics explains that INI members who violate ethical norms, both in their professional duties and personal lives, which tarnish the reputation of the organization, can face sanctions ranging from verbal warnings, written warnings, temporary suspension from INI membership, to permanent expulsion from the association. These sanctions are imposed through trial mechanisms by Regional, Provincial, or Central Honorary Boards, according to the level and scope of the violation. The application of these organizational sanctions is crucial because membership in the INI is a moral and professional prerequisite for maintaining collegiality and ethical standards within the profession. Although organizational sanctions do not directly revoke a notary's status, expulsion from INI membership can have significant reputational effects and hinder administrative functions because various professional obligations are integrated into the supervision mechanism of the Supervisory Council.

In addition to administrative and organizational sanctions, formal legal sanctions may be imposed on notaries whose violations meet the criteria of criminal or civil offenses. Article 12 of Law No. 30 of 2004 states that Notaries may be dishonorably dismissed if they are proven to have committed acts that tarnish the honor and dignity of the Notary office or committed serious violations of the duties and

prohibitions of the office. If the violation also constitutes a criminal offense, the notary can be prosecuted according to the applicable criminal procedure law. The complaint and investigation mechanism for suspected notary office violations is conducted in stages, starting with the Regional Supervisory Board (MPD), which conducts the initial examination, followed by the Provincial Supervisory Board (MPW) for the appeal level, and ultimately the Central Supervisory Board (MPP), which has the final say in recommending sanctions to the Minister. In practice, the results of the INI Honorary Board hearings can also be considered by the Supervisory Council when assessing violations.

Article 7(2) of Law No. 2 of 2014 further emphasizes that notaries who fail to carry out their administrative duties, including reporting their oath of office and other related information, can also be subject to the previously mentioned sanctions. This demonstrates that the ethical code is integrated with the administrative and legal aspects of the Notary Office supervision system. Thus, it can be understood that the sanction system in the regulation of the Notary Code of Ethics is designed hierarchically and comprehensively. The main objective is to ensure that notaries not only perform their duties based on formal regulations but also uphold professional ethics, personal integrity, and moral responsibility to the public and the rule of law. The code of ethics is not just a moral norm but an integral part of the legal structure of the notarial profession in Indonesia.

#### ***4.2. Enforcement of the Code of Ethics Against Notaries Public Committing Professional Misconduct in Tanjungpinang City***

Based on interviews with the Chair of the Notary Regional Supervisory Board (MPDN) of Tanjungpinang, it was found that over the last three years, five reports of alleged ethical and professional violations by Notaries were processed through the board. Of these, three cases were confirmed as formal violations, while the others were closed due to insufficient evidence. The most common violation was the failure to read deeds in front of the parties and the failure to have the parties sign the deed directly in front of the notary, violating Article 16(1)(l) of Law No. 2 of 2014. In handling these cases, the Regional Supervisory Board imposed written warnings and a 3-month suspension on the involved notary. The examination process followed the procedures outlined in Articles 70–73 of the UUJN, including giving the notary an opportunity to defend himself. This process involved the Ministry of Law and Human Rights of the Riau Islands, law faculty academics, and representatives from the INI.

The study also found that the INI Honorary Board of Tanjungpinang conducted at least two internal ethical hearings in 2023 to address complaints from the public that did not involve criminal matters but were considered to tarnish the profession's dignity. One case involved the alleged self-promotion of a notary through social media, violating Article 4, letter e, of the INI Code of Ethics regarding excessive self-promotion. The ethical hearing led to a strong warning and internal counseling for the involved notary. From these findings, it can be concluded that the application of the code of ethics for Notaries in Tanjungpinang City has been done step by step and procedurally, but it has not been fully optimal in preventing and detecting violations. The activity of the MPDN and the INI Regional Honorary Board in enforcing ethical discipline is highly dependent on the availability of data, public awareness of reporting, and the integrity of the supervisory apparatus. Strengthening institutional capacity and transparency can improve the effectiveness of enforcing the code of ethics to maintain the dignity of the notary office. Based on field research in Tanjungpinang, it is evident that the mechanism for enforcing the code of ethics for Notaries accused of violations has been regulated and applied through procedures involving several institutions, including the MPDN and the INI Honorary Board. This procedure aims to enforce professional discipline, preserve the dignity of the position, and ensure legal certainty for notarial service users.

#### ***4.3. The process begins when a report is made by a client or the public about actions taken by a Notary***

According to an interview with an MPDN official, reports can be submitted in writing to the MPDN with supporting evidence such as deeds, correspondence, or a chronology of events. Reports without written evidence cannot be processed immediately unless clarified by the complainant. Once the report is received, the MPDN conducts an initial verification to assess its validity. If valid, a summons is issued to the reported notary for clarification. This is the administrative clarification stage, where the notary

has the right to respond and initial evidence is presented. If the clarification indicates serious violations of duties and prohibitions in Articles 16 and 17 of Law No. 2 of 2014, the MPDN will form an inspection team involving academics, government representatives, and INI professionals. The inspection is carried out openly by reviewing disputed deeds and supporting documents. This process follows Articles 71–75 of the Notary Law, which regulates guidance and supervision mechanisms.

The inspection results are documented, detailing the facts, legal conclusions, and recommendations for sanctions. Minor violations, such as administrative negligence or delayed reporting, typically result in written warnings. However, serious violations, such as failure to read deeds or fictitious signatures, may result in a recommendation for temporary dismissal to the Minister of Law and Human Rights, as outlined in Article 9 of UUJN. In practice, the MPDN of Tanjungpinang also involves the INI Honorary Board in providing ethical input on reported violations. The INI Honorary Board specializes in assessing violations that go beyond formalities, considering the moral integrity of notaries as public officials, such as conflicts of interest, self-promotion, or lifestyles damaging to the profession. The outcomes of the INI hearings serve as additional considerations for the MPDN's recommendations regarding sanctions.

Based on empirical data from the 2023–2024 ethical hearings, two ethical violation cases were reviewed by the INI Honorary Board in Tanjungpinang. One involved a notary making a sales agreement deed without the presence of the parties, and the other involved a notary actively promoting their services via digital media. Both cases were sanctioned with a strong warning and internal counseling with periodic evaluation. In practice, some challenges in imposing sanctions were found, such as resistance from notaries with close connections to board members and a lack of public participation in reporting violations. Legal service users remain reluctant to take action against notaries, particularly when deeds have been used in other legal processes. This creates challenges in the effectiveness of ethical enforcement.

Nonetheless, the MPDN and INI regional boards have expressed their commitment to maintaining the independence and integrity of the ethical processes. The MPDN of Tanjungpinang regularly conducts monthly evaluations and prepares annual reports for the Provincial Supervisory Board to ensure consistency in the examination process and sanctioning. Additionally, the INI Honorary Board continues to provide ethical training to its members to prevent violations. Overall, the examination and sanctioning procedures for Notaries in Tanjungpinang City have followed the legal framework and professional ethical norms. However, strengthening supervisory staff, increasing transparency, and educating the public about their reporting rights are crucial factors for improving the oversight system's effectiveness. Enforcing ethics is not only the responsibility of professional organizations but also part of broader reforms in notarial governance at the national level.

During field research in Tanjungpinang, the author obtained empirical data on one case of ethical violation in 2023, involving a Notary from Tanjungpinang Timur. The case began with a complaint from a client regarding a notary who made a sales agreement deed without the client's presence. The deed was signed by the notary and the buyer but not by the client. The MPDN formed an inspection team with representatives from the Ministry of Law and Human Rights, academics from Raja Ali Haji Maritime University, and a member of the INI Regional Board. In the May 2023 internal hearing, the team concluded that Mr. RA violated the professional code of ethics and UUJN provisions, breaching the principles of independence and professionalism and disregarding the formal validity requirements for authentic deeds. As a result of the hearing, the MPDN proposed to the Minister of Law and Human Rights the imposition of a 6-month temporary dismissal on Mr. RA. This proposal was based on Article 9(1)(d) of Law No. 2 of 2014, which states that a notary can be temporarily dismissed for violating their duties. During the suspension period, Notary RA's office protocol was handed over to a Substitute Notary appointed by the MPDN.

Meanwhile, the case was also handled by the INI Regional Honorary Board of Tanjungpinang, which received a similar complaint from Mrs. DW. Based on the clarification and examination documents from the MPDN, the Honorary Board decided that Notary RA violated Articles 4(b) and (c) of the INI



Code of Ethics, which require Notaries to maintain integrity and avoid actions that harm the parties involved. However, there was a significant difference in the sanctions, where the MPDN's decision is legally binding and directly impacts the Notary's position, while the Honorary Board's sanctions are organizational and affect the Notary's professional reputation.

The success in handling this case reflects the synergy between state administrative supervision and professional moral oversight. However, the author found shortcomings in the publication of internal ethical decisions, as the public is unaware of the progress or status of the violations that have been addressed. Transparency is an important aspect that needs to be strengthened in the ethical oversight system. Furthermore, this case highlights the importance of increasing legal literacy among the public so that they understand their rights and powers in reporting suspected violations. Many similar cases go unreported due to the public's lack of knowledge about the reporting mechanisms and ethical processes in the notary profession. Therefore, this case study serves as an important precedent for promoting disciplinary enforcement in the notarial profession in Tanjungpinang. The authority exercised by the MPDN and the INI Honorary Board has proven effective in maintaining the integrity of the notary position, but it must be complemented by strengthening institutional capacity, efficient reporting systems, and openness of information as part of the national reform of legal governance.

Based on the research and case study conducted in Tanjungpinang, it was found that the implementation of the code of ethics for Notaries follows the formal legal framework outlined in Law No. 30 of 2004, in conjunction with Law No. 2 of 2014 on Notary Positions and the INI Code of Ethics. The reporting, examination, and sanctioning processes show an alignment between legal norms and their practical application in the field. The MPDN and INI Honorary Board have followed procedures, although structural and cultural challenges remain. However, in terms of effectiveness, the author finds that the enforcement of the code of ethics is not fully optimal, particularly in the areas of early detection, public involvement, and transparency in handling the cases. Many ethical violations are discovered only after the legal or social consequences of a defective deed become apparent. Additionally, the limited resources of the Supervisory Council and the lack of legal literacy among the public hinder responsive and preventive oversight. This shows that the substantive aspects of the norms have not yet been fully translated functionally in the local oversight system.

From a legal protection theory perspective, the existence of a code of ethics and supervisory bodies represents protection not only for users of Notary services but also for the Notary profession itself. In practice, the MPDN and the Honorary Board provide a space for the defense of the reported notary, as mandated by the UUJN. This demonstrates that the implementation of the code of ethics ensures fair trial principles in ethical processes. However, legal protection for service users remains weak, as many are unaware of their rights and the procedures for reporting suspected ethical violations. From the prudential theory perspective, the implementation of the code of ethics should not only focus on responding to violations but also on fostering a culture of caution and professionalism in notarial practice. Unfortunately, field data show that preventive actions, such as ethical training and ethical audits, have not become a systematic part of professional oversight. Therefore, the development of educational and developmental ethical mechanisms should be increased so that the values of caution are embedded in every notary's work process, not just as a procedural formality.

Thus, the analysis of the implementation of the Notary Code of Ethics in Tanjungpinang shows that, while procedurally implemented, it still needs to be strengthened substantively and functionally. The enforcement of the code of ethics must be supported by strengthening supervisory institutions, increasing public literacy, and fostering an ethical culture within the profession. Only with a balanced approach combining law, ethics, and institutional reinforcement can the governance of the notary office meet the legal and justice expectations of society.

#### ***4.4. Barriers and Solutions in the Application of the Code of Ethics for Notaries Who Violate Their Position in Tanjungpinang City***

##### ***4.4.1. Internal Barriers***

Field research revealed that a primary internal barrier to applying the code of ethics to Notaries in Tanjungpinang City is a lack of ethical awareness among some Notaries. Interviews with members of the MPDN and INI regional board found that many notaries view the code of ethics as a mere administrative formality rather than a moral guide for practicing the profession. This is evident from several basic violations, such as failing to read deeds or accepting signatures without the parties being present, often done for efficiency or "habit." This reflects the low internalization of professional ethical values, which should be part of a notary's personal integrity. While regulations are adequately available, as stipulated in Article 16 of the UUJN and the INI Code of Ethics, they are not sufficiently understood or embraced by some professionals. This latent barrier is difficult to address through legal mechanisms alone, as it involves attitudes, mindsets, and professional culture. The lack of ongoing ethical training and internal ethical evaluation forums further weakens this awareness.

Another significant internal barrier is the conflict of interest within the professional organization. Observations and confirmations from internal INI sources revealed a tendency to resist processing ethical reports when the reported party is a senior figure or has close personal ties with organizational leaders. In some cases, ethical reports are handled privately without clear communication to the complainant or the public. This creates an impression of internal protection, weakening the objectivity and independence of the ethical enforcement process in the medical field. The next internal barrier is the lack of transparency in oversight and sanctioning processes. Data from the MPDN and INI Honorary Board showed that most ethical decisions are not publicly published, even to fellow members. This makes the ethical process appear non-accountable in the eyes of the public and reduces the deterrent effect on other violators. The absence of an official announcement mechanism or public report on ethical hearings makes it difficult for the public to know whether a reported notary has been sanctioned.

##### ***4.4.2. External Barriers***

Field research also found that the public's lack of awareness about their rights and the reporting procedures is a major external barrier to enforcing the code of ethics for Notaries in Tanjungpinang City. Many Notary service users are unaware that they can file reports if they feel harmed by a notary's actions violating the code of ethics or legal provisions. As mentioned by an MPDN source, very few people know about the existence of the MPDN or proper reporting mechanisms. This shows a gap between the normative oversight system and the public's awareness, which is the most affected. This lack of public knowledge is compounded by the limited outreach of professional organizations and supervisory institutions through official media, legal counseling, or cooperation with other agencies. According to Articles 67–85 of the UUJN, the Supervisory Board has a guidance and oversight function, which should include public education. The absence of a consistent educational program prevents the public from having the courage or technical ability to submit written reports of violations with evidence, as required by reporting practice.

The second external barrier is the weak coordination between the Supervisory Board and the INI Honorary Board. Based on interview data, reports received by the MPDN are often not systematically communicated to the INI Honorary Board, causing ethical assessments and organizational sanctions to not align with the administrative process. This results in varying standards or inconsistencies in decisions between institutions, ultimately weakening the integrity of the professional oversight systems. Disjointed data and oversight agendas make the imposition of sanctions non-comprehensive.

A significant external barrier is political factors and collegiality within professional organizations. Observations show that in some cases, there is a tendency to "protect" fellow INI members, especially when the reported party is a senior notary or has influence within the organizational structure. This creates bias in handling violations and disrupts the objectivity of ethical hearings. This conflicts with the principles of impartiality and institutional integrity, which are fundamental to legal professional oversight. Such practices blur the line between collegial solidarity and the professional obligation to uphold ethics.

#### *4.4.3. Solutions and Recommendations*

The main solution to overcome internal and external barriers in applying the code of ethics is to strengthen the capacity and independence of the Supervisory Board and the Notary Honorary Board. The Regional Supervisory Board (MPD) in Tanjungpinang City requires better institutional support, including competent human resources and adequate examination facilities. The independence of the MPD and the Honorary Board must also be protected by creating transparent recruitment and oversight systems free from collegial influences, ensuring that each violation report is processed objectively and fairly.

Additionally, regular socialization of the code of ethics and legal literacy improvements for both notaries and the public are crucial. The study found that the public's lack of understanding of their reporting rights and the ethical duties of notaries is a major barrier in the oversight process. Therefore, educational activities such as integrated legal counseling, ethical training for new INI members, and the use of official organizational social media to spread information about reporting procedures are necessary. Good legal literacy encourages the public to actively participate in social control over the notary profession.

Based on empirical data from Tanjungpinang, it is concluded that the application of legal certainty, legal protection, and prudence theory is highly relevant in addressing internal and external barriers to enforcing the code of ethics against notaries. Legal certainty theory emphasizes the importance of clear norms and consistent enforcement of laws. In this case, a gap still exists between the norms in the Notary Law and field practices, leading to uncertainty in imposing sanctions. Meanwhile, legal protection should be provided not only to notaries but also to the public using notary services, ensuring fair access to filing complaints. The theory of prudence is important for instilling professionalism, ensuring that notaries act responsibly and ethically, not just administratively.

The research shows that the biggest weakness in practice is the suboptimal implementation of ethical mechanisms due to a lack of transparency, conflicts of interest, and poor synergy between the MPD and INI Honorary Board. Therefore, the enforcement of the code of ethics cannot rely solely on repressive actions; it must be supported by institutional reform and the creation of an ethical legal culture among notaries. This includes restructuring the reporting system, integrating technology-based oversight, and selectively publishing ethical decisions as a form of public accountability.

As a scientific contribution from this study, the author recommends the following local legal policy proposals: (1) the formation of a City Notarial Ethics Forum consisting of MPD, INI, academics, and practitioners to regularly coordinate ethical issues and legal socialization; (2) the drafting of a Tanjungpinang Mayor's Regulation on public education about reporting professional violations; and (3) encouraging the Ministry of Law and Human Rights of the Riau Islands to issue a standard ethical service guideline and annual evaluations for all Notaries in its jurisdiction. With this approach, the ethical system of the notary profession will not just be a formality, but will truly function as a tool for moral and legal control in notarial practice.

## **5. Conclusion**

### **5.1. Conclusion**

Based on the previous discussion, the following conclusions can be drawn.

1. The legal regulation of the code of ethics for notaries violating their position is governed by Law No. 30 of 2004 on Notary Positions, as amended by Law No. 2 of 2014, and the Indonesian Notary Association (INI) Code of Ethics. This regulation normatively addresses the obligations, prohibitions, forms of violations, and sanctions for notaries who do not perform their duties professionally, including formal, material, and ethical violations. This regulation provides a legal foundation for guidance, supervision, and enforcement of ethical discipline, serving as a reference to uphold the integrity of the notarial profession in Indonesia.
2. The application of the code of ethics for notaries violating their position in Tanjungpinang is carried out through mechanisms by the Regional Supervisory Board and ethical hearings by the INI

Honorary Board. The process follows the procedures from reporting to examination and imposition of sanctions. Research shows that although the oversight system operates as required, its effectiveness still faces structural and cultural challenges, such as a lack of public participation, weak inter-agency synergy, and the influence of collegiality in ethical processes.

3. The barriers and solutions to implementing the code of ethics in Tanjungpinang include internal barriers such as low ethical awareness among notaries, conflicts of interest within the professional organization, and lack of transparency in oversight. External barriers include the public's lack of knowledge of their reporting rights, weak coordination between agencies, and political influences on case handling. Proposed solutions include strengthening the capacity and independence of oversight bodies, improving legal literacy for notaries and the public, and updating regulatory systems with periodic evaluations as a comprehensive effort to reform the enforcement of the Notary Code of Ethics.

## 5.2. Recommendations

Based on these conclusions, the author offers the following recommendations.

1. The Indonesian Notary Association (INI), together with the Supervisory Boards at all levels, should strengthen internal oversight and guidance mechanisms by conducting periodic ethical audits, publishing practical ethical guidelines, and offering ongoing training on professional ethics and notarial integrity to all members systematically and measurably.
2. The government, through the Ministry of Law and Human Rights, needs to strengthen vertical and horizontal coordination among legal professional oversight bodies by creating an integrated oversight system and designing additional regulations to enforce the code of ethics that align with national positive law, thereby enhancing the effectiveness and legal certainty in overseeing notary positions.
3. There is a need to raise public legal awareness through regular outreach and socialization regarding the rights of notarial service users, including the reporting procedures for ethical violations. This can be achieved through cooperation between professional organizations, oversight agencies, and legal aid institutions, helping the public become more informed and proactive in monitoring and addressing notary misconduct.

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