



JLPH:
**Journal of Law, Politic
and Humanities**

E-ISSN: 2962-2816
P-ISSN: 2747-1985

<https://dinastires.org/JLPH> dinasti.info@gmail.com +62 811 7404 455

DOI: <https://doi.org/10.38035/jlph.v5i3>
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Legal Protection of Notaries Against Acts Against the Law on False Testimony by Presenters

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Abstract: This study aims to determine the form of legal protection for notaries against unlawful acts of false statements by the parties and to determine the judge's considerations in determining the notary's responsibility for unlawful acts of false statements by the parties. The research method used is normative legal research. The results of the study indicate that the form of legal protection for notaries against unlawful acts of false statements by the parties is regulated in the Notary Law (UUJN). Article 66A of the UUJN stipulates that the summons of a notary for legal proceedings must obtain the approval of the Notary Honorary Council (MKN). The notary's responsibility is limited only to the formality of making a deed, while the material truth of the statement is the responsibility of the party appearing, as regulated in Article 16 paragraph (1) letter c of the UUJN. This protection is in accordance with the principle of the presumption of innocence and the position of a notary as a public official, and can be strengthened through legal steps if criminalization occurs. In the Supreme Court Decision Number 98 K/Pid/2021, the judge decided that the notary was not criminally responsible for false statements given by the party appearing in an authentic deed. This decision is based on the principle that the notary's responsibility is limited to the formal truth of the deed, while the material truth of the contents of the statement is entirely the responsibility of the person appearing.

Keyword: Legal Protection, Notary, Unlawful Acts, False Statements, Person Appearing.

INTRODUCTION

Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that "All citizens have equal standing before the law and government and are required to uphold the law and government without exception." This provision is the main basis for implementing legal protection for every individual, including public officials such as notaries. Notaries, as public officials tasked with making authentic deeds, have a strategic role in supporting legal certainty and protection of the rights of the community. (Budiono, 2013) However, in carrying out their duties, notaries often face challenges in the form of unlawful acts committed by the parties, such as providing false information in the process of making a deed. This action not

only violates the principle of justice as mandated by the 1945 Constitution, but also has the potential to harm other parties and have legal implications for the notary himself.

Notaries have a very important role in the Indonesian legal system as public officials tasked with making authentic deeds. Deeds made by notaries have high evidentiary power and are used as valid evidence in various legal transactions. Therefore, notaries are responsible for ensuring that the deeds they make are in accordance with applicable laws and regulations. However, in carrying out their duties, notaries are often faced with situations where the parties provide false information in the deeds they make. This can cause complex legal problems, both for the notary, the parties, and the third parties involved. (Adjie, 2008)

The act of providing false information by the person appearing in an authentic deed can lead to unlawful acts that are detrimental to other parties and have the potential to harm the integrity of the notary profession. However, the position of the notary in this case must be understood correctly. Based on existing provisions, the notary has no obligation to verify the material truth of every statement given by the person appearing. The notary's responsibility is more limited to the formal aspects of making the deed, such as ensuring that the deed is by applicable procedures and that the parties involved in the transaction understand the contents of the deed being made. (Nico, 2018)

Responsibility for a person's actions usually only has practical meaning if the person commits an act that is not permitted by law. Most of these acts are called unlawful acts (*onrechtmatige daad*) in the Civil Code. *Onrechtmatige daad* or unlawful acts are regulated in the Civil Code Book III Chapter III on Contracts that are created by law, Articles 1365 to 1380. (Sari, 2021) In full, Article 1365 of the Civil Code reads: "Every unlawful act that causes loss to a person requires the person whose fault it is that causes the loss to compensate for the loss." (Gisni Halipah, 2023)

Unlawful acts (*onrechtmatige daad*) when associated with the profession of Notary, it can be said that if a Notary in carrying out his/her duties intentionally commits an act that is detrimental to one or both parties who appear in the making of a deed. It can be truly known that something done by the Notary, for example, is contrary to the law, then the Notary can be held accountable based on Article 1365 of the Civil Code. (Jalal, 2018) Likewise, conversely, if a Notary whose job is also to provide services to the public or people who need his services in the ratification or making of a deed, then in the deed there is a clause that is in conflict with, for example, the law, so that it causes losses to other people, while the parties who appear are completely unaware of it, then with that passive or silent attitude the Notary in question can be subject to Article 1365 of the Civil Code. (Karnagi, 2018)

Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary (UUJN) has provided a legal framework regarding the responsibilities and obligations of notaries. Article 66A of the UUJN stipulates that if a notary is involved in a legal process, the summons of the notary must go through a procedure involving the Notary Honorary Council (MKN). This provides legal protection to notaries so that they do not easily become victims of criminalization for actions carried out by the person appearing.

In addition, Article 16 paragraph (1) letter c of the UUJN emphasizes that the responsibility of a notary is limited to the formality of making a deed, the material truth of the information provided by the person appearing is entirely the responsibility of the person appearing. In reality, what happens in society is that many parties are found to provide data and information that does not correspond to the reality to a notary in making a deed. The task of a notary is to pour out the data and information provided by the parties without further investigating the truth of the data.

As we all know, notaries do not have the authority to conduct investigations or seek material truth from data and information provided by the parties (applicants). This has an impact on the deeds they make which later become problematic. Problems arise in terms of the form

of notary accountability for the process of making authentic deeds whose data and information are falsified by the parties. (Prananda, 2018)

One example of a case raised by the researcher is Decision 98 K/Pid/2021, this case began with witnesses Yakup Syah and Yohana Adijaya visiting the Defendant as a Notary at his office on Jl. Wahid Hasyim Number 51 Ngampilan Yogyakarta, Yohana Adijaya conveyed her intention that she would sell her land located on Jalan Jlagran Number 18 RT.39 RW. Pringgokusuman Yogyakarta, by bringing documents KTP, KK, Certificate of Loss, photocopy of Verponding Number 1514 Block III covering an area of 345 M2 in the name of Mr. Tjoa Kim Ing alias Adam Gondokusumo the late., and emphasized to the Defendant that Yohana Adijaya was the sole heir of the husband and wife of Mr. Tjoa Kim Ing alias Adam Gondokusumo the late. with Mrs. Hawa Setianingsih the late.

Where based on the information from Yohana Adijaya, the Defendant then made Deed Number 1 dated June 21, 2008 regarding the Information of Heir, Deed Number 2 dated June 21, 2008 regarding the Statement/Test of Truth and Deed Number 3 dated June 21, 2008 regarding the Granting of Power of Attorney that Yohana Adijaya is the sole heir of the husband and wife Adam Gondokusumo and Mrs. Hawa Setianingsih, who has the right to request conversion, release her rights, sell, transfer, surrender or transfer the Land of Verponding Ownership Rights Number 1514, Block III with an area of 345 M2, located in Pringgokusuman - Gedongtengen Village, Yogyakarta. Furthermore, Deed Number 1, Deed Number 2 and Deed Number 3 were used by Yohana Adijaya to sell the land to Faizal Horison.

Furthermore, the Defendant as Notary made a Deed of Sale and Purchase Number 05 of 2009 for the sale and purchase of the land, so that the land became the property of Faizal Horison. Whereas on the other hand, it turned out and was proven that Adam Gondokusumo and Mrs. Hawa Setianingsih actually had 3 (three) biological children, namely Philipus Tjahyono Adijaya, Howard Adijaya and Yohana Adijaya. Yohana Adijaya's actions in not providing true information to the Defendant as Notary in making Deed Number 1, Deed Number 2 and Deed Number 3, and stating that Adam Gondokusumo only had 1 (one) child, namely herself, while in fact Adam Gondokusumo had 3 (three) children as mentioned above, cannot be charged to the Defendant as Notary, because according to the statement of Expert Dr. Habib Adjie, S.H. M.Hum. and Dr. Muzakir, S.H. M.H, that the Notary only works in the formal realm according to what is explained and what is shown by the person appearing, the Notary is not obliged to check the truth of the documents shown or presented to him, if there is information submitted or presented to him that is false or does not correspond to the actual situation, then this is the responsibility of the person appearing, not at all the responsibility of the Defendant as a Notary.

Based on the explanation above, of course, Notaries must receive legal protection to maintain the independence and integrity of the notary profession, and to ensure that they are not treated unfairly for unlawful acts committed by other parties. In this context, the existence of clear and effective legal protection for notaries is very necessary to prevent criminalization and to avoid abuse of authority by irresponsible parties. Thus, legal protection for notaries for unlawful acts committed by those appearing who provide false information must be seen in the framework of a balance between the rights of notaries as public officials and their obligations to act in accordance with the law. Enforcement of legal protection for notaries who are faced with false information by those appearing is very important to maintain public trust in the notary profession, as well as to create a more just and transparent legal system.

METHOD

This research is normative legal research, namely a process to find legal rules, legal principles, and legal doctrines to answer the legal issues faced. (Marzuki, 2005) The research specification in this study is descriptive. The type of data used by the researcher is secondary data consisting of primary, secondary and tertiary legal materials. Data collection techniques

are a method used by researchers to collect data related to research problems. The approaches used are the statute approach and the conceptual approach. The materials obtained or materials successfully collected during the research process in the form of primary legal materials and secondary legal materials are analyzed qualitatively and then presented descriptively, namely describing according to the problems that are closely related to the research conducted by the author. Thus, the results of this study are expected to be able to provide an explanation of legal protection for notaries for the making of deeds by the appearers who provide false information related to Decision Number 98/K/Pid/2021.

RESULTS AND DISCUSSION

Forms of Notary Legal Protection Against Unlawful Actions Laws on False Information by Opponents

Notaries, as public officials who have the authority to make authentic deeds, play an important role in the Indonesian legal system. Deeds made by notaries have high evidentiary power, thus guaranteeing legal certainty for the parties involved in the transaction. However, in carrying out their duties, notaries are often faced with situations where the person appearing provides false information, which can have an impact on the validity of the deed made. Unlawful acts by the person appearing who provides false information have the potential to harm other parties and lead to criminal acts. Therefore, it is important to regulate legal protection for notaries so that they do not become victims or parties who are blamed for the actions of the person appearing. This regulation is relevant considering the position of notaries as officials who act based on public trust, but remain limited to the responsibility for the formalities of the deed. (Wiradireja, 2016)

On the other hand, notaries are also accused of colluding with the parties to issue fake notarial deeds. This raises concerns for notaries in carrying out their duties because at any time they can be sued by the parties, and there is even the possibility of being sued criminally. If the negligence or error of the notary in making the deed can be proven, then the notary concerned can be subject to sanctions both criminally (Article 66) and civilly (Article 84) of Law Number 2 of 2014 concerning the Notary Position (UUJN). Therefore, in order to protect themselves, an attitude of vigilance and caution is highly demanded from a notary. In practice, not a few notaries have experienced problems in connection with the deeds they have made being declared null and void by court decisions as a result of the discovery of legal defects in their making, for example, it turns out that the documents provided by one of the parties are incorrect. (Nur Aini, 2019)

The main basis in making a notarial deed is that there must be a desire or will and request from the parties. If the desire of the parties does not exist, then the notary will not make the intended deed. The parties come to the notary so that their legal actions or deeds are formulated into an authentic deed in accordance with the notary's authority, then the notary makes the deed at the request or desire of the parties. The parties come of their own accord and express their wishes before the notary, which are then poured into the form of a notarial deed in accordance with applicable legal regulations, and it is impossible for a notary to make a deed without a request from anyone. (Aminah N. A., 2023)

In this perception, the Notary only formulates the will of the parties into a deed. A Notarial Deed is an agreement between the parties that binds them to make it, therefore the requirements for the validity of an agreement must be met. Article 1320 of the Civil Code which regulates the requirements for the validity of an agreement, there are subjective requirements, namely requirements related to the subject who makes or makes the agreement, which consists of an agreement and the ability to act to carry out a legal act, and objective requirements, namely requirements related to the agreement itself or related to the object that is made a legal act by the parties, which consists of a certain thing and a reason that is not prohibited.

The requirements for the validity of the agreement are manifested in a Notarial deed. Subjective requirements are stated in the Beginning of the deed and objective requirements are stated in the Body of the deed as the contents of the deed. Thus, if in the beginning of the deed, especially the requirements of the parties who appear before the Notary do not meet the subjective requirements, then at the request of a certain person the deed can be canceled. If the contents of the deed do not meet the objective requirements, then the deed is null and void by law.

In principle, a notary is passive in serving the parties who appear before him. The notary is only tasked with recording or writing in the deed what is explained by the parties, has no right to change, reduce or add to what is explained by the parties. (Purnayasa, 2018) According to Yahya Harahap, such an attitude is considered too rigid, therefore at present the opinion has emerged that a notary has the authority to, constitute or determine what happens before his eyes and he has the right to constitute or determine the facts he obtains in order to straighten out the contents of the deed to be more appropriate. (Harahap, 1982)

Passive nature reviewed in terms of ratio is not absolute but is relatively flexible with reference to the application that in principle the notary is not authorized to investigate the truth of the information submitted by the parties. Regarding the information submitted by the parties that is contrary to laws and regulations, public order, and morality, the notary must refuse to make the requested deed.

Authentic deeds made before a Notary are based on the will of the parties. The Notary only constitutes and formulates in the deed what is explained by the parties based on the agreement made by the parties themselves. In making a deed, it is also possible that the person appearing comes using false evidence or provides false information to the Notary. As mentioned above, the making of a Notarial deed is also subject to contract law. The existence of false information or evidence provided by the parties to the Notary can be categorized as bad faith which results in a violation of the objective conditions of the agreement, namely a permitted cause. This condition can result in the Notarial deed being null and void by law. (Karuniawan, 2018).

The legal consequences of a notarial deed containing false information from the person appearing are that the notarial deed is null and void or also called nullity, because it does not meet the objective requirements of the valid conditions of an agreement as regulated in Article 1320 of the Civil Code numbers (3) and (4), namely a certain thing and a lawful cause. The procedure for null and void can be seen in Article 1335 of the Civil Code regarding the phrase null and void which explains that an agreement without a cause, or made based on a false or prohibited cause, has no force. The procedure for declaring the nullity of a deed can be done by filing a lawsuit in court by the party who feels aggrieved. The court will assess the eligibility and validity of the deed based on the existing requirements. If the deed is declared null and void, then all legal consequences resulting from the deed will also be lost. (I. Iryadi, 2021)

As the guardian of legality in civil legal relations, notaries are required to carry out their duties independently, impartially, and based on applicable legal regulations. However, in practice, notaries often face situations where the person appearing provides false or misleading information during the deed-making process. This creates a legal dilemma because on the one hand, the notary only records the information submitted by the parties in accordance with Article 15 and Article 16 of Law Number 2 of 2014 concerning the Position of Notary (UUJN), but on the other hand, the notary can be held legally responsible for the contents of the deed if they are considered negligent in carrying out their obligations. Therefore, it is important to understand the legal protection provisions for notaries who are faced with such situations. (Simanjuntak, 2019)

Notaries have the authority to make authentic deeds, as regulated in Article 15 paragraph (1) UUJN, which has perfect evidentiary force in court. In carrying out this task, notaries must be guided by the principles of professionalism, legality, and accountability. However, the

contents of authentic deeds generally come from statements submitted by the parties. (Santoso, 2022) In this case, Article 16 paragraph (1) letter c UUJN states that notaries are required to include statements from the parties in good faith. This means that the notary's responsibility is to ensure that the statements submitted by the parties are recorded according to procedure, but the notary is not required to verify the material truth of the statement.

False statements given by the person appearing are a serious problem because they can harm other parties, both legally and economically. In this context, the legal problems faced by notaries are: (L. Salawati, 2022)

1. Notary liability: can a notary be held legally responsible for a deed containing false information from the person appearing?
2. Legal protection: how is the legal protection for a notary in carrying out his/her duties when the person appearing provides false information?

This false information is often the basis for a civil lawsuit, criminal prosecution, or ethical examination of a notary. For example, in a criminal case, a notary can be charged with Article 263 of the Criminal Code concerning document forgery if proven to be actively involved in making a false deed (Sait, 2021)

As is known, false information provided by the person appearing can pose serious legal risks for the notary. (Hendra, 2012) Here are some of the main risks that are often faced:

1. Criminal liability

A notary can be charged with a criminal article if it is proven that he actively assisted or knew that the information provided by the person appearing was false, but still made the deed. This is often associated with Article 263 of the Criminal Code concerning document forgery. However, if the notary only records the information as conveyed by the person appearing without knowing that the information is false, then the element of criminal error is not fulfilled. In this case, proving that the notary acted intentionally or negligently is a key factor in determining criminal liability.

2. Civil lawsuit

A notary can be sued by a party who feels aggrieved due to the false information contained in the deed. This lawsuit is usually based on allegations of negligence (default) or unlawful acts (PMH). In his defense, the notary can use Article 65 of the UUJN, which states that the notary is not responsible for the information provided by the person appearing.

3. Ethical and administrative sanctions

The Notary Honorary Council (MKN) has the authority to examine alleged violations of the notary profession's code of ethics. If a notary is deemed negligent or violates established procedures, the MKN can impose sanctions in the form of a warning, suspension, or even revocation of the practice permit.

Legal protection for notaries in cases of false statements by the person appearing can be seen from the following aspects:

1. Based on UUJN

- a. Article 16 paragraph (1) letter a UUJN: Notaries are required to act with caution and impartially. This provides protection to notaries as long as they carry out their duties in accordance with applicable legal procedures.
- b. Article 65 UUJN: States that notaries are not legally responsible for the contents of the deeds they make if the deed is made based on statements from the parties.

2. Criminal protection

Notaries can only be held criminally responsible if they are proven to have intentionally assisted or conspired in making a deed containing false statements. If the notary only records the statements of the person appearing as they should, then there is no element of error that can be associated with the notary.

3. Ethical protection

Notaries are subject to the Indonesian Notary Code of Ethics (KETIN), which stipulates that notaries must act professionally and not be involved in acts that violate the law. The Notary Honorary Council (DKN) is tasked with assessing whether notaries have carried out their obligations in accordance with professional standards.

4. Civil protection

If a notary is sued in a civil lawsuit, the notary can use Article 65 of the UUJN as a basis for defense that he is not responsible for the information provided by the parties.

The legal protection mechanism for notaries in cases of false information by the person appearing involves several stages: (Soebagyo, 2017)

1. Fact verification process

Notaries are required to verify documents and the identities of the parties in accordance with applicable provisions. This procedure aims to prevent potential misuse of the deed by the person appearing.

2. Examination by the Honorary Council

If there is a report of alleged violations, the notary will first be examined by the Notary Honorary Council before other legal processes are carried out. This gives the notary the opportunity to defend himself.

3. Supervision by the Ministry of Law and Human Rights

Notaries are under the supervision of the Ministry of Law and Human Rights, which has the authority to impose administrative sanctions if violations are found, such as warnings or revocation of practice permits.

4. Judicial process

In the judicial realm, notaries can use supporting documents and articles in the UUJN to prove that he is not responsible for false statements given by the person appearing.

Legal protection for notaries who are faced with cases of false statements by the person appearing is based on the principle of caution and compliance with legal procedures. As long as the notary carries out his duties in accordance with the UUJN and KETIN, he has strong legal protection from lawsuits, both criminal, civil, and ethical. However, this legal protection needs to be balanced with the strengthening of clearer monitoring and regulatory mechanisms to prevent misuse of the deed by irresponsible parties. (Putra, 2018).

Legal protection for notaries for unlawful acts by the person appearing who provides false information as regulated in the UUJN. Article 66A of the UUJN states that the summons of a notary for legal proceedings must go through the Notary Honorary Council (MKN). In addition, the notary's responsibility is limited to the formality of making a deed, while the material truth of the information is the responsibility of the person appearing, as stated in Article 16 paragraph (1) letter c of the UUJN. This protection is also in line with the principle of the presumption of innocence and the position of a notary as a public official who acts in accordance with laws and regulations, and can be strengthened through legal efforts if criminalization occurs.

Judge's Considerations in Determining Notary's Liability for Unlawful Acts of False Statements by Applicants.

The judge's consideration or *ratio decidendi* is an argument or reason used by the judge as a legal consideration that becomes the basis before deciding a case. In sentencing the defendant, the judge has considerations that must be studied more deeply, because this concerns a person's fate. The judge in sentencing the defendant may not impose the sentence unless with at least two valid pieces of evidence, so that the judge obtains the conviction that a crime really occurred and the defendant is guilty of committing it as based on Article 183 of the Criminal Procedure Code.

According to (Muhammad, 2010) stated that the judge's considerations can be divided into 2 (two) categories: 1) Legal considerations, namely the judge's considerations based on

legal facts revealed in the trial and stipulated by law as things that must be included in the decision, for example the public prosecutor's indictment, the defendant's statement, witness statements, evidence, and articles in criminal law regulations. 2) Non-legal considerations can be seen from the defendant's background, the consequences of the defendant's actions, the defendant's condition, and the defendant's religion. The judge acts as a free and impartial person and is expected to be able to straighten out everything that according to the defendant's feelings has happened unilaterally, half-truths and also inappropriate attitudes carried out by officers before the trial. In practice, judges have the freedom to resolve the cases they are facing. As for freedom in this case, independent power is also free to examine and try cases and free from interference from various parties such as interference from the government, even the superiors of the judge concerned and even the demands requested by the public prosecutor during the trial until the judge's decision.

The judge's consideration in Decision Number 98/K/PID/2021 is that the Public Prosecutor's cassation reasons cannot be justified because the *judex facti* decision stated that the Defendant was proven to have committed the act as charged by the Public Prosecutor, but the act did not constitute a criminal act and released the Defendant from all legal charges, was not wrong and had applied legal regulations properly and had considered the relevant legal facts legally correctly and correctly according to the legal facts revealed in court.

Yohana Adijaya's actions in not providing true information to the Defendant as Notary in making Deed Number 1, Deed Number 2 and Deed Number 3, and stating that Adam Gondokusumo only has 1 (one) child, namely herself, while in fact Adam Gondokusumo has 3 (three) children as mentioned above, cannot be charged with responsibility to the Defendant as Notary, because according to the statements of Experts Dr. Habib Adjie, S.H. M.Hum. and Dr. Muzakir, S.H. M.H, that Notaries only work in the formal realm according to what is explained and what is shown by the person appearing,

Notaries are not obliged to check the truth of documents shown or presented to him, if there is information submitted or presented to him that is false or does not correspond to the actual situation, then this is the responsibility of the person appearing, not at all the responsibility of the Defendant as Notary. Thus, the *judex facti* has correctly and properly considered that the Defendant's problem of making Deed Number 1, Deed Number 2 and Deed Number 3 requested by Yohana Adijaya as the appearing party is a problem and enters the realm of civil law which legally must be resolved through civil evidence before a civil judge, namely by deciding to release the Defendant from all legal claims. In addition, the reason for the Public Prosecutor's cassation concerns the assessment of the results of the evidence which is in the nature of appreciation regarding something real.

This cannot be considered in the examination at the cassation level, because the examination at the cassation level only concerns the non-application of a legal regulation or the legal regulation is not applied properly, or whether the trial method is not carried out according to the provisions of the law, and whether the Court has exceeded its authority, as referred to in Article 253 Paragraph (1) of Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP). Based on these considerations and it turns out that the *judex facti* decision in this case does not conflict with the law and/or statutes, the cassation application is declared rejected.

The case in the Supreme Court Decision Number 98/K/PID/2021 is a real example of how the role and responsibility of a notary is tested in relation to false statements submitted by the person appearing. In this case, the notary faced legal problems due to the creation of a deed based on the person appearing, which was later found to contain lies or false information. This case is important for examining how judges consider various legal aspects, including the responsibility of the notary, the material truth of the statement, and related legal regulations in deciding this case.

The judge considered that a notary is a public official appointed by the state to make authentic deeds. In carrying out his duties, a notary acts as a recorder of the parties' statements,

not as a guarantor of the material truth of the statement. This is in accordance with Article 16 paragraph (1) letter c of the UUJN, which stipulates that a notary is required to record the statement of the person appearing in good faith. The judge emphasized that the notary's duty is only to record the facts as conveyed by the person appearing, and does not have the authority to examine or investigate the material truth of the statement. In this case, the notary has recorded the statement in accordance with applicable legal procedures, so that the responsibility for the material truth of the statement lies with the person appearing.

The judge also considered Article 65 of the UUJN, which states that a notary is not responsible for the contents of a deed made based on the person appearing's statement. In this case, the judge considered that legal protection for notaries is firm, as long as the notary can prove that he has carried out his duties in accordance with procedures and has not acted unlawfully. In this case, the judge found that there was no evidence to show that the notary acted in bad faith or intentionally helped the person appearing provide false information. The notary only records the information as submitted by the person appearing, in accordance with his formal obligations.

The judge also examines the element of guilt (*mens rea*) in the criminal act accused of the notary. In his considerations, the judge stated that in order to be able to convict someone, there must be evidence of an element of intent or clear negligence. In this case, there is no evidence that the notary knew that the person appearing was false. In addition, the judge also highlighted that the UUJN does not require notaries to verify the material truth of the information, so that allegations of negligence cannot be accepted. (Nuryasinta, 2024).

After considering various legal aspects and facts revealed in the trial, the judge decided that the notary could not be held criminally responsible for false statements given by the person appearing. The judge based this decision on:

1. Article 65 of the UUJN, which provides legal protection to notaries for the contents of deeds made based on the person appearing's statements.
2. There is no evidence to show that the notary acted in bad faith or intentionally helped the person appearing to provide false statements.
3. The notary's obligation is only formal, namely to record the statements as conveyed by the person appearing, without the obligation to verify their material truth.

This decision confirms that the responsibility for false statements lies entirely with the person appearing, and the notary is only responsible if proven to have acted unlawfully or negligently in carrying out his duties. This decision has several important implications, both for notaries and the legal system in Indonesia:

1. Legal protection for notaries

This decision strengthens the legal position of notaries as recorders of statements, not guarantors of material truth. This provides clearer legal protection for notaries in carrying out their duties.

2. Legal certainty for third parties

This decision also confirms that third parties who are harmed due to false information must sue the person appearing, not the notary. This provides legal certainty in resolving legal disputes related to authentic deeds.

3. Supervision of the person appearing

This decision shows the importance of education and supervision of the person appearing so that they provide information that is true and in accordance with the facts.

In Supreme Court Decision Number 98 K/Pid/2021, the judge considered that a notary cannot be held criminally responsible for false information provided by the person appearing in the authentic deed he made. This is based on the principle that a notary is responsible for the formal truth of the deed, while the material truth of the information provided by the person appearing is the responsibility of the person appearing himself. Thus, a notary cannot be

punished for unlawful acts committed by the person appearing who provides false information in the deed he made.

CONCLUSION

The form of legal protection for notaries against unlawful acts due to false statements by the parties is regulated in the UUJN. Article 66A of the UUJN states that the summons of a notary for legal proceedings must go through the Notary Honorary Council (MKN). In addition, the notary's responsibility is limited to the formality of making a deed, while the material truth of the statement is the responsibility of the party appearing, as stated in Article 16 paragraph (1) letter c of the UUJN. This protection is also in line with the principle of the presumption of innocence and the position of a notary as a public official who acts in accordance with laws and regulations, and can be strengthened through legal remedies if criminalization occurs. In the Supreme Court Decision Number 98 K/Pid/2021, the judge considered that a notary cannot be held criminally responsible for false statements given by the party appearing in an authentic deed he made. This is based on the principle that a notary is responsible for the formal truth of the deed, while the material truth of the statement submitted by the party appearing is the responsibility of the party appearing himself. Thus, a notary cannot be punished for unlawful acts committed by a party who provides false information in a deed he has made.

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