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## Determination Of Notary Fees Related To Authentic Deed Preparation Services According To Laws And Regulations In Indonesia

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**Abstract:** The notary profession in Indonesia, limited to graduates of Master's in Notarial Studies, is increasingly popular due to its stable prospects. However, the growing number of notaries in each city has intensified competition, sometimes leading to unethical practices such as underpricing deed services and discrediting peers. These behaviors conflict with the Notary Position Law and the Notary Code of Ethics. A key issue is how notary and Land Deed Official (PPAT) fees for authentic deed services are regulated. This study uses normative legal research to explore the legal basis for setting notary fees, revealing that while upper fee limits are stipulated in the Notary Position Law, sociological and economic factors also influence honorarium decisions. Disharmony between the Notary Law and the Code of Ethics creates ambiguity in setting minimum and maximum fees, potentially leading to unhealthy competition and reduced service quality. Therefore, clear and uniform fee guidelines are essential to maintain ethical standards, ensure fair compensation, and uphold the quality of authentic deed preparation.

**Keyword:** Honorarium, Notary, Deed, Land Deed Official (PPAT)

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### INTRODUCTION

A Notary is a position of trust that has been mandated by the Republic of Indonesia to handle the preparation of Authentic Deeds as a guarantee of legal certainty for the public, including investors. Notaries have the responsibility to maintain good reputation and help realize the Indonesian Government's aspirations to accelerate national economic development through their Authentic Deeds (Yusrizal, 2018). The vital function of Notaries in creating legal certainty for the public positions Notaries as an extension of the state. The presence of Notaries is a universal necessity. Thus, notaries do not only function as deed makers, but also as guardians of integrity and validity of legal documents that are very important for the public interest.

The main task of a Notary when viewed philosophically is to prevent conflicts from occurring (Achmad, 2023). However, there is one problem that still occurs, which is

regarding notary honorarium that is too low. This honorarium or fee problem is the low appreciation of entrepreneurs towards notary services.

Ismiati D. Rahayu, S.H., Head of the Regional Management of the Indonesian Notary Association (INI) in Depok, Secretary of the Regional Management of INI in West Java, member of the Supervisory Board of Notaries in West Java, and Coordinator of the Organizational Sector of PK PP INI, highlighted that in daily practice, the general public generally accepts the fees set by notaries when requesting the drafting of deeds. However, when dealing with entrepreneurs such as bank officials or property developers, notaries often find themselves at a disadvantage. This is because these entrepreneurs possess greater bargaining power, having obtained business licenses from the government, which essentially belong to the people. By leveraging these licenses, entrepreneurs profit from their business activities. Notaries are mandated by the government to draft deeds that provide legal certainty for these business transactions (Emeralda Girsang et al., 2024). What often frustrates notaries, however, is that this authority granted by the state to ensure legal certainty is sometimes regarded by clients as worth no more than the price of a plate of rendang at a typical Padang food stall.

Further, Asbar Imran, representing the Southeast Sulawesi Regional Board (*Pengwil*) at the Central Board Plenary Meeting, stated:

*“The rapid growth of notaries year after year has led to new problems. Competition among colleagues in the same profession is inevitable. Various means are taken in order to gain clients or simply to survive. One shocking method used by notaries is to reduce the honorarium below the rate established by the Indonesian Notary Association (INI). This practice has occurred in the Southeast Sulawesi region. Notaries there have slashed their fees so low that their peers who maintain the standard rates as stipulated by the organization are unable to attract clients. The fees have been pushed down so drastically that some notaries end up not drafting any deeds at all. This is largely due to the fact that, to this day, the regulation regarding notary honorarium does not specify a fixed amount or proportion, but merely sets a maximum limit using the phrase ‘not exceeding,’ as stated in Article 36 paragraph 3 of Law of the Republic of Indonesia Number 2 of 2014, which amends Law Number 30 of 2004 concerning the Notary Profession. The Notary Law only regulates notary honorarium up to a maximum limit.”*

However, in practice, the provisions concerning the maximum limit, stipulated through terms such as "at most" and "not exceeding", may give rise to unfavorable implications. The absence of a clearly defined honorarium structure opens the door to negotiations between notaries and their clients. Such ambiguity carries the risk of fee arrangements that deviate from the prevailing regulations, potentially disadvantaging one party and undermining the notary's professionalism in fulfilling their official duties (Astuti, 2016).

According to Article 36 of the Notary Law, a notary who has properly fulfilled their duties in drafting authentic deeds and handling various matters within their authority, as regulated by applicable laws and regulations, is entitled to receive an honorarium for the work performed (Bujangga & Purwanto, 2022). The notary's fee is calculated considering multiple elements, such as the financial worth of the document being created and its social significance, which represents how important the deed is to the public interest or to those directly involved. This fee is then formally validated by the notary within the scope of their legal responsibilities.

The honorarium received by a notary, as stipulated in Article 36 paragraphs 3 and 4 of the Notary Law, refers to the compensation granted to the notary for services rendered in the drafting of authentic deeds and the provision of other legal services. These provisions outline the amount of honorarium that may be received by the notary based on the value of the transaction or the legal object being notarized. They also establish maximum limits and set

forth the principles that must be observed in determining the amount of honorarium, thereby ensuring fairness and legal certainty for all parties involved.

The social value of an object in a notarial deed is determined based on its social function, with a maximum limit of IDR 5,000,000 (five million rupiah). The Notary Law regulates the amount of notarial service fees only up to a maximum threshold, or not exceeding the stipulated amount, without setting a minimum limit. Article 4 point 10 of the Notary Code of Ethics states that “*the honorarium for deed drafting services by a notary must not be lower than the provisions set by the association.*” This means that the Indonesian Notary Association (INI) has established a minimum honorarium threshold for notaries (Laytno & Setiabudhi, 2019). The Code of Ethics regulates the minimum amount of honorarium that may be received by a notary. However, it is important to note that the Code of Ethics does not carry the same binding legal force as the Notary Law, and therefore its implementation is not as strong or enforceable as that of the law (Putri & Prananingtyas, 2019).

One way to address the issue of minimum notary fees is through a resolution from the Indonesian Notary Association's Expanded Central Board Plenary Meeting held in Balikpapan on January 12, 2017. This resolution delegates the authority to establish minimum fee thresholds to regional administrators, allowing them to set baseline compensation rates for notarial services based on local circumstances.

The fee amounts specified in the Notary Position Law are not mandatory for either notaries or their clients; these provisions function merely as guidelines or reference points. Furthermore, since there are no specific regulations governing these fees, notaries can choose whether to adhere to these guidelines. This situation demonstrates that fee provisions whether outlined in the Notary Position Law or established by regional boards lack enforceable legal authority (Astuti, 2016).

Government Regulation No. 24/2016, also known as PP No. 24/2016, specifically governs the role and authority of Land Deed Officials (PPAT). This regulation outlines the responsibilities and boundaries of PPAT in a detailed manner.

Indonesian Government Regulation No. 24 of 2016 defines a Land Deed Official (PPAT) as a public servant with the authority to produce legally binding documents for land transactions and rights to residential units. These documents, known as *partij* deeds, are created by PPAT in the presence of all parties involved (Utomo, 2020).

The primary duties of a Land Deed Official include drafting land-related documents and recording auction minutes in accordance with relevant laws and regulations. A common challenge faced by PPATs is setting service rates or honorariums amidst stiff competition with both senior and junior Notaries/PPATs in Indonesia. Violating Article 32 paragraph 1 of Government Regulation No. 24/2016, some PPATs charge exorbitant fees beyond the allowed 1% of the transaction value specified in the deed.

In Government Regulation of the Republic of Indonesia Number 24 of 2016, it is stated in article 32 paragraph 5 that administrative sanctions will be imposed for any violations of the regulations mentioned in paragraph (1) to paragraph (4). Therefore, based on the facts of the problems that occur, the purpose of the research on the determination of the honorarium of notaries and PPATs related to the making of authentic deeds according to Indonesian laws and regulations is to identify, describe, analyze, and prove related to the regulation of the amount of honorarium of Notaries and PPATs related to authentic deed making services and the legal consequences that arise if the honorarium of Notaries and PPATs is not in accordance with applicable law.

## METHOD

The type of research chosen in this study is normative legal research, which aims to provide comprehensive answers to legal issues by considering the existing legal basis and assessing the application of legal rules and principles in a broader context. Different methods utilized include the statutory method, case analysis method, and theoretical method. Legal sources accessed include primary legal materials like Indonesian Law Number 30 of 2004 on Notary Positions, Law Number 2 of 2014 as a revision, Government Regulation Number 24 of 2016 regarding land deed officials, and the Notary Profession Code of Ethics. Furthermore, supplementary legal materials like academic publications, research findings, and legislative proposals offer a deeper understanding and context to primary legislation. Tertiary legal sources like dictionaries and encyclopedias are consulted to elucidate fundamental legal terminology and principles. Data collection techniques were conducted through literature studies and document studies by studying various references, regulations, and related documents. Analysis of legal materials is carried out qualitatively with the aim of describing and evaluating information based on quality and conformity to reality, then presented descriptively to describe relevant problems and solutions, so that it is hoped that readers can understand legal issues in depth and see the implementation of theory in practice.

## RESULTS AND DISCUSSION

### Regulation on the Honorarium Fees of Notaries and PPAT for Authentic Deed Services Regulatory Basis Regarding the Provision of Notary Honorium

In this context, Article 1 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 33 of 2021 concerning Service Fees for Land Deed Officials (PPAT) is mandatory and requires PPAT to act in accordance with the stipulated provisions. There are no exceptions in the determination of honoraria; it must be based on the provisions of Article 1 of the said regulation. Therefore, it can be concluded that there is a distinction in the determination of honoraria between the professions of Notaries and PPATs, namely:

**Table 1. A comparison between the Notary Position Law and the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 33 of 2021 concerning Service Fees for Land Deed Officials**

LEGAL BASIS	Article 36 of the Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 on the Notary Position	Article 1 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 33 of 2021 concerning Service Fees for Land Deed Officials (PPAT)
HONORARIUM	Article 36 of the Notary Position Law stipulates the maximum honorarium of 1%, 1.5%, and 2.5% based on the economic value of the deed object.	"Service fees for Land Deed Officials and Temporary Land Deed Officials for deed preparation shall not exceed 1% (one percent) of the transaction price stated in the deed."
MINIMUM AND MAXIMUM LIMITS	The minimum limit is regulated in the Notary Code of Ethics and adjusted according to the conditions of each region.	There is no minimum limit set in the PPAT Code of Ethics; all fees must comply with Article 1 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 33 of 2021 concerning Service Fees for Land Deed Officials.

This is the vertical disharmony and inconsistency between the Notary Position Law and the Code of Ethics of Notaries in which the Notary Position Law sets the maximum limit of

honorarium while the Code of Ethics sets the minimum limit in honorarium. This creates a legal loophole and is utilized by irresponsible notaries to conduct predatory pricing or selling with the aim of dominating the service business in making deeds.

### **Synchronization and Harmonization of Honorarium Arrangements for Notary Services between the Notary Position Law and the Notary Code of Ethics in Overcoming Differences in Notary Honorarium**

Efforts to resolve vertical disharmony between the Notary Office Law and the Notary Code of Ethics regarding honorarium rules in the notary office law and the notary code of ethics can be done by synchronization and harmonization. Synchronization refers to the process of aligning and harmonizing various existing laws and policies with laws and policies that are being drafted, with the aim of regulating a particular field (Hamidi et al., 2012).

According to the definition provided, synchronization activities serve the purpose of preventing overlap and promoting compatibility between substances regulated by laws and policies. Policies with lower levels of regulation tend to include more detailed and practical guidelines for compliance (Hamidi et al., 2012).

The intention behind aligning Article 36 of the Notary Law and Article 4 number 10 of the Notary Code of Ethics concerning the determination of notary fees is aimed at establishing a consistent legal framework to prevent any contradictions or conflicts between the two. The Notary Law serves as a protective shield for the authority of notaries, while the Code of Ethics acts as a guide in interactions among notaries and with clients.

According to Hamidi et al. (2012), the goal of legal synchronization is to establish a solid regulatory foundation in a specific field to ensure a high level of legal certainty for efficient and effective implementation. The synchronization of laws and regulations can be achieved through two methods:

#### **a. Vertical Synchronization**

The synchronization process is carried out by checking the suitability of the applicable laws and policies, so that they do not contradict each other. This model refers to Article 7 paragraph (1) of Law of the Republic of Indonesia Number 12 of 2011 concerning the types and hierarchy of laws and regulations. In addition to paying attention to hierarchy, vertical synchronization must also consider the chronological year and number of establishments of relevant regulations.

#### **b. Horizontal Synchronization**

The synchronization process is carried out by examining various laws and policies that are equal and regulate the same or related fields. Horizontal synchronization also needs to be done chronologically, which is based on the time sequence of the establishment of the laws and regulations.

Therefore, to resolve the vertical disharmony between the Notary Position Law and the Notary Code of Ethics, it is necessary to synchronize and harmonize vertically. In the event of disharmony among articles within the prevailing laws and regulations, amendments to specific articles or even to the entire regulation may be undertaken by the authorized institution or governing body. In this context, any amendment should include specific provisions, such as the recognition that the Notary Association (Indonesian Notary Association/INI) holds the authority to determine the minimum threshold of notarial fees or honoraria, adjusted in accordance with the economic conditions of different regions in Indonesia.

Moreover, it is important not only to stipulate the maximum limit but also to clearly define the minimum limit. This is crucial because, to date, a dualism has existed in the determination of notarial fees, which may be based either on the Notary Position Law or on the Notary Code of Ethics. This regulatory gap has created room for predatory pricing



practices, wherein notarial services are offered at unreasonably low prices merely to attract clients and dominate the legal service market. Such practices raise concerns about the quality and reliability of the resulting notarial deeds.

Requests for judicial review may be submitted to the judiciary. Specifically, constitutional review of laws against the Constitution can be filed with the Constitutional Court, while judicial review of regulations below the level of laws against the law itself falls under the jurisdiction of the Supreme Court. Finally, the application of relevant legal principles and doctrines is essential to guide and ensure the consistency and integrity of legal interpretation and enforcement in such matters (Chandra et al., 2022).

In the principle of *Lex superior derogat legi inferiori*, legislation that is at a higher level will override legislation that is at a lower level, unless the substance of the higher regulation regulates matters that have been determined as the authority for the lower regulation. Following this principle, the rules stated in the Notary Law have the ability to override the Code of Ethics in the Notary profession. Yet, in reality, some notaries act irresponsibly by taking advantage of gaps in the ethics code to lower their fees in order to lure in clients, despite the fact that the laws governing notary offices should be controlling the maximum fees that can be charged. In addition, this action reflects predatory pricing practices that harm other parties.

In an effort to create simplicity, legal expediency, legal certainty, and justice, synchronization and harmonization are important processes undertaken to adjust legal principles and systems. Legal harmonization, which occurs in the process of forming laws and regulations, aims to resolve conflicts and discrepancies between legal norms in laws and regulations. Thus, it is expected to form harmonious laws and regulations, which are in harmony, harmonious, balanced, integrated, consistent, and adhere to principles (Chandra et al., 2022).

In carrying out their duties properly, a notary must adhere to the fundamental principles of the notarial profession, which include: the principle of equality, the principle of trustworthiness, legal certainty, accuracy, justification, prohibition, prohibition of abuse of authority, prohibition of arbitrariness, as well as proportionality and professionalism (Andrianto et al., 2023).

### **Legal Consequences if the Honorarium of Notary and PPAT is Not in Accordance with the Applicable Law**

Authentic deeds that are notarial products are expected to provide protection and legal certainty for parties with an interest in the authentic deed. Sanctions given to Notaries are intended to enable Notaries to carry out their work and duties accurately and honestly. Sanctions from the Notary Law relating to deeds only result in the deed being downgraded to a deed under the hand.

In the event that this occurs, those involved in the document can take legal action against the Notary to pursue damages and additional fees. Due to the Notary's carelessness, the document only holds the same legal weight as a handwritten document and lacks the full legal force of an authentic document. The request for damages and additional fees stems from the Notary's lack of due diligence.

Civil sanctions include sanctions in the form of interest, costs, and compensation. Administrative sanctions as stipulated in the Notary Position Law will be imposed on Notaries who do not carry out their responsibilities and positions in making legal deeds made by and before Notaries in accordance with the Notary Position Law.

Oral reprimand, written reprimand, temporary dismissal, honorable dismissal, and the most severe and dishonorable dismissal, are some of the sanctions that can be imposed on Notaries who violate administrative regulations. Sanctions for all violations are not always

regulated in the articles of the Notary Position Law. Article 36 of the Notary Law which regulates notary fees is one of the many articles that does not provide sanctions for violators.

Article 6 of the Notarial Code of Ethics outlines the consequences that members of the association may face if they breach the ethics code of the notary profession. These consequences range from a warning or reprimand to being temporarily or permanently expelled from the association. The severity of the sanction imposed will be based on the extent of the member's violation, taking into account the nature and frequency of the misconduct.

In addition, an issue has arisen concerning the discrepancy between Article 36 of the Notary Position Act and Article 4 Paragraph 10 of the Notary Code of Ethics regarding the limits of honorarium that a notary may request from clients. This raises the question of whether a notary who does not comply with Article 4 Paragraph 10 can be subjected to sanctions.

The Notary Code of Ethics is a compilation of norms and moral rules carefully drafted by the Indonesian Notary Association (Ikatan Notaris Indonesia or INI), which has been formally regulated under prevailing laws and is intended for all notaries who are members of the association as well as for those holding the position of a notary. It is expected to serve as a guideline for the proper execution of their professional duties and responsibilities.

The Central Honorary Council of the Indonesian Notary Association decides on penalties for notaries who break the code of ethics. The evaluation process occurs in steps. First, the Regional Honorary Council or the Provincial Honorary Council reviews the case, depending on the location. If required, the case is elevated to the national level for assessment by the Central Honorary Council.

Although Article 36 of the Notary Position Act does not specify sanctions related to notarial service fees, and the Notary Code of Ethics also does not provide specific penalties for violations concerning fees or honorarium, it is essential for the Honorary Council to conduct a thorough examination to determine appropriate follow-up actions.

The duties of a notary involve the preparation of official documents that require a high degree of accuracy and precision, considering their legal significance and impact on various transactions and legal interests. Therefore, notaries should be allowed to determine an appropriate honorarium for the services they provide, taking into account the agreement reached between the notary and the appearing parties, as well as the complexity and difficulty of the deed being prepared.

The amount of payment a notary receives is determined by the complexity and difficulty of the tasks involved in preparing legal documents. The more challenging the document, the greater the compensation received by the notary. Furthermore, notaries should also consider the financial capability of the appearing parties, provided that there is no minimum threshold set for the determination of notarial service fees. This allows for flexibility in setting the honorarium based on the circumstances and mutual agreement between the notary and the parties involved.

Although notaries have the freedom to determine the honorarium in accordance with the agreement with the parties, they must still comply with the provisions stipulated by the Notary Law regarding the maximum limit of honorarium that can be charged. As ordinary human beings, notaries are not free from the possibility of making mistakes or violations in carrying out their official duties. If a notary is proven to have violated the obligations and prohibitions stipulated in Articles 16 and 17 of the Notary Public Office Law, he or she may be subject to various sanctions, which include civil sanctions, administrative sanctions, sanctions in accordance with the code of ethics, and even criminal sanctions.

The role of notaries is crucial in resolving various legal issues in society, especially since written documents produced in notarial practice often serve as legal evidence. In

carrying out their profession, notaries are responsible for maintaining public trust and upholding legal ethics and professional dignity, so that they are expected to provide fair and professional services to all parties in need. On the other hand, notaries must adhere to and follow the Code of Ethics outlined in the Notary Position Law Number 2 of 2014, which amends Law Number 30 of 2004, known as the Notary Position Law. When performing their duties, notaries must adhere to all relevant laws and regulations; failure to do so may result in various sanctions such as administrative, civil, ethical, and possibly criminal penalties depending on the violations.

Violation of the obligations and prohibitions of a Notary as stipulated in Article 16 and Article 17 of the Notary Position Law may result in the imposition of sanctions on the Notary, which includes civil sanctions, administrative sanctions, code of ethics sanctions, and criminal sanctions.

A notary who violates the rules may face various forms of punishment as outlined in Article 7 paragraph (2). Sanctions could include a warning, temporary suspension, honorable discharge, or dishonorable discharge. A notary has the opportunity to rectify their actions before sanctions are imposed, but repeated violations will lead to penalties.

Although the rules on notary fees are only set by the Indonesian Notary Association (INI) through the Code of Ethics, not following these guidelines can result in disciplinary action for violating ethical standards. Article 6 of the Code of Ethics specifies penalties like reprimands, warnings, temporary suspension, expulsion, or dishonorable discharge from the association.

The Regional Supervisory Council has the authority to hold hearings to investigate breaches of the Code of Ethics or failures in notarial duties, as stated in Article 70(a) of the Notary Position Act. After the hearing, an official report is prepared and sent to the Provincial Supervisory Council. The Regional Supervisory Council can issue verbal or written reprimands, while temporary suspensions are decided by the Central Supervisory Council. Various issues continue to emerge within legal professions, particularly those faced by notaries and lawyers, such as:

a. Quality of Knowledge of Legal Professionals

All legal professionals are required to possess adequate legal knowledge as a benchmark for the quality of legal services they provide professionally. This requirement has become one of the primary goals of higher education in the field of law. According to Article 1 of the Decree of the Minister of Education and Culture No. 17/Kep/O/1992 concerning the National Curriculum in the Field of Law, undergraduate legal education programs aim to produce law graduates who possess a comprehensive understanding of Indonesian law, capable of analyzing the role of law within society, able to utilize the law as a means to solve concrete problems wisely, while adhering to legal principles, master the scientific foundations necessary to develop legal science and jurisprudence and aware of and sensitive to issues of justice and social problems (Yunus et al., 2021).

These goals can be achieved not only through higher education programs in the field of law, but also through the experience gained after completing studies as a law graduate, where individuals can go directly into work related to the legal profession in society. Law can be understood as norms that regulate all aspects of life in society, thus providing a basis for social interaction and solving various problems that arise (Yunus et al., 2021).

The primary responsibility of a legal professional is the ability to interpret and apply the law carefully and precisely. In addition, a legal professional is also required to be able to draft new laws based on the formulation of existing legal systems. The skills required to support this task include both theoretical and technical abilities, which relate to knowledge of the meaning of the law. In addition, legal professionals must be able to prove their ability to



instill legal understanding and awareness in society, so that it becomes an integral part of the nation's culture.

**b. Abuse of the Legal Profession**

Abuses in the legal profession are potentially caused by competition between individual legal professionals, as well as a lack of self-discipline in carrying out their duties. In the legal profession, there are two elements that cause contradictions, namely ethical ideals that are too high and legal practices that often fall far below these ideals. Therefore, a legal professional certainly does not want his or her career to be hampered by high professional ideals, while he or she is involved in legal practices that prioritize personal interests over the ethical principles that should be upheld. Unfortunately, there are many legal professionals who utilize their professional status as a means to create financial gain or as a bridge to political power.

Abuses in the legal profession often occur as a result of the demands of clients who want to resolve cases quickly, with favorable results for them. Clients do not hesitate to offer high fees to legal counsel and judges handling their cases. This results in price competition, where law enforcement is used as a deviant business field, which can even lead to brutal legal harassment. On the other hand, law enforcers move away from the principle of justice and towards an income orientation, while clients act as disruptors of the authority of the law, always trying to force a victory in every case they face.

**c. The Legal Profession Becomes a Business Activity**

In this context, business activities are defined as activities that have the main purpose of obtaining multiple profits. When these activities are related to the legal profession, the legal profession can be categorized as a business activity. Therefore, the indicators of the legal profession can be seen as business service activities or public services, depending on the main objectives to be achieved.

Based on these objectives, the legal profession can be divided into two categories, namely the legal profession engaged in business services and the legal profession engaged in public services. Business service-oriented legal professions tend to focus on business or commercial relationships, where the honorarium received is usually adjusted to the standards applicable in the business world. Examples of legal professions in this category include those related to trade contracts, patents, and trademarks.

Meanwhile, legal professions that function as public services carry out work based on the interests of the community, either in exchange for payment or without payment. Examples of legal professions that fall into this category include the Judiciary, Notaries, and Legal Aid Institutions (LBH). If there is a fee charged, it is usually administrative in nature or aims to cover the costs of the work that has been done, so it is not commercial in nature and remains oriented towards community service.

Currently, the legal profession tends to shift towards more financially-oriented business activities, where the main focus is on how much the client should pay, rather than on what legal professionals should be doing. This phenomenon has spread to various types of legal professions in the field of public services, so that the cost of making notarial deeds and court fees has increased, because it has been commercialized.

In fact, the purpose of the establishment of laws regulating the public interest is to improve the welfare of the community, not to increase misery. Thus, the public service that should be provided by legal professionals has shifted from an ethical nature to a more business-oriented nature.

**d. Lack of Social Awareness and Concern**

Social awareness and concern should be the main criteria in the services provided by legal professionals. This means that the interests of society should always take precedence over personal interests, service to clients should be a top priority over financial gain, and moral values should take precedence over economic values. However, the current reality

shows symptoms that contradict these principles, where legal professionals sometimes prioritize personal gain and business aspects of their practice, neglecting the social responsibility and professional ethics that they should uphold.

This symptom reflects a loss of confidence in the authority of the law. One indicator is the emergence of practices where legal professionals prefer to sell their services in order to obtain higher income. In this context, they are supposed to provide for the welfare of society, but in reality, in their professional practice, they act as hired guns with high rewards by clients. This results in a shift in focus from the public service they are supposed to provide to an orientation towards financial gain, thereby lowering the credibility of the legal profession in the eyes of the public.

Legal professionals often spend their time advising business clients in ways that may violate the law, such as seeking to resolve credit problems through unauthorized methods or avoiding high tax liabilities. Regardless of the type of legal profession, legal professionals should act as public servants and servants of the law who focus on the interests of society, rather than merely prioritizing personal interests. It is important that they uphold the principles of ethics and integrity in carrying out their duties, in order to maintain public trust in the legal profession.

#### e. Continuation of Obsolete System

Legal professionals are an integral part of the justice system and have an important role in helping to update and disseminate a legal system that is often considered outdated. The system contains many law enforcement provisions that are no longer relevant to current conditions. Therefore, legal professionals need to adapt and serve the interests of people who now live in a modern context, with the hope of meeting legal needs in accordance with the times and the demands of a dynamic society.

In the past, the Law of the Republic of Indonesia Number 30 of 2024 did not include a minimum limit in the determination of notary honorarium after the amendment to the Law of the Republic of Indonesia Number 2 of 2014 still did not include a minimum limit in the law, whereas now the minimum limit is required has become. However, this progress is not in line with the notary honorarium provisions that regulate the fees and services for each deed made by a notary. The development of science and technology, especially in the field of computers, has facilitated the making of deeds electronically, this advancement in the field of computers has also led to the development of signatures using barcodes and also e-stamps. However, this needs to be accompanied by an adequate legal and regulatory system.

## CONCLUSION

In the Notary Position Law and the Notarial Code of Ethics, there exists a disharmony regarding the determination of a notary's honorarium. The Notary Position Law implies a maximum limit for the honorarium, while the Code of Ethics stipulates a minimum threshold. This discrepancy can become a loophole that irresponsible notaries may exploit by engaging in predatory pricing or undercutting fees in order to attract clients and dominate the market for deed-drafting services. Such practices can lead to unhealthy competition among notaries, despite the fact that the quality of authentic deeds should be judged not by cost, but by accuracy and precision.

Hence, it is advisable that the Notary Position Law and the Notarial Code of Ethics be synchronized and harmonized to avoid dualism in the determination of notarial fees. The minimum honorarium should be clearly defined and codified in the law to prevent inconsistencies between statutory provisions and their practical application.

This situation contrasts with the case of Land Deed Officials (PPAT), whose fees are clearly regulated under the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 33 of 2021

concerning Service Fees for Land Deed Officials. This regulation unambiguously stipulates the honorarium without any overlapping provisions in the Notarial Code of Ethics concerning PPAT fees.

The Notary Position Act and the Notarial Code of Ethics serve as fundamental guidelines for notarial conduct. Every action taken by a notary must comply with these two references. Any violations of the provisions stipulated either in the Act or the Code of Ethics can lead to legal sanctions against the notary. The Code of Ethics issued by the Indonesian Notary Association (INI) includes provisions related to violations concerning honorarium, which, although not described in detail, imply the imposition of sanctions as stated in Article 6 of the Code. These sanctions may include reprimands, warnings, suspensions (temporary dismissal from INI membership), onzetting (permanent dismissal from INI membership), or dismissal with dishonor from the association.

It is thus recommended that the Indonesian House of Representatives (DPR RI) collaborate with the Indonesian Notary Association to formulate minimum honorarium standards within the Notary Position Act. Additionally, authority should be granted to local associations, as designated by law, to determine fair notarial fees that do not burden clients and are aligned with the local economic conditions. While the maximum limit for honorarium should remain in the legislation, it is essential that the law also includes a provision for a minimum threshold, the implementation of which should be delegated to regional notary associations. This would help prevent predatory pricing practices and foster fair competition among notaries.

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