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Authority of The Ministry of Law In The Dishonourable Dismissal of Notaries For Violations of The Code of Ethics

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Abstract: A Notary is tasked with carrying out a crucial role in society and is therefore required to always maintain their conduct, honour, and dignity as a public official. According to Article 16 letter a, a notary must safeguard the interests of the parties involved in legal processes and act in a trustworthy, honest, thorough, independent, and impartial manner. The objectives of this research include identifying and analysing the sanctions imposed on notaries by the Honorary Council for violations of the Code of Ethics, as well as the authority of the Ministry of Law in supervising notaries with regard to such violations. The type of research used in this study is normative legal research, applying the Statute Approach, Analytical and Conceptual Approach, and Case Approach. The synergy among supervisory institutions, continuous education, transparency, and an effective appeal system will enhance the effectiveness of oversight and professional discipline. For notaries, the researcher suggests that in carrying out their profession and position as public officials, they are expected to understand and comply with the provisions of the laws and regulations of the established Code of Ethics. The Ministry of Law can strengthen coordination and establish an integrated reporting system with the Notary Honorary Council in handling alleged violations of the Code of Ethics, ensuring that public reports are followed up promptly and transparently and to give open information on the status of reports, thereby increasing public participation in maintaining the integrity of the notarial profession.

Keyword: Sanctions, Dismissal, Notary, Code of Ethics Violation

INTRODUCTION

Notary has the duty to carry out a crucial role in society and is therefore required to always maintain their attitude, honor, and dignity as a public official (Satya Wibowo et al., 2022; Senastri et al., 2022). In the legal context, a Notary is considered an important element within the legal profession, vested with authority and obligations in accordance with their professional capacity. If there is any deviation in the performance of their duties or office, sanctions may be imposed on the Notary (Putri et al., 2025).

The duties and authorities of a notary are to provide legal services for the community, thus notaries are categorized as an honorable profession (Arnawa et al., 2024; M. Khafit

Prasetyo et al., 2024). This serves as the foundation that a notary holds a high level of responsibility and must always uphold their dignity and integrity (Purnama & Santoso, 2025).

Based on Article 1 point 8 of the Notary Code of Ethics, the Honorary Council is an organ of the Association that is established and functions to uphold the Code of Ethics, as well as the dignity and integrity of notaries. It is independent and free from partiality in carrying out its duties and authorities within the Association (Chisbiyah, 2025). The Honorary Council consists of the Central Honorary Council at the national level, the Regional Honorary Council at the provincial level, and the Local Honorary Council at the regency/municipal level. These three institutions have different authorities as stipulated in the governing legal provisions (Adjie, 2017).

The Code of Ethics for Notaries is regulated in Article 89 of Law Number 30 of 2004 concerning the Notary Office, and also by the Notary organization through its congress, such as the Professional Organization of Notaries, the Indonesian Notary Association (INI), whose Code of Ethics was ratified at the INI Congress in Bandung on January 27, 2005. In the Notary Code of Ethics, the term “sanction” is defined as a punishment intended as a means, effort, and coercive tool to ensure compliance and discipline of members of the association as well as others who hold and perform the office of Notary.

A Notary who intentionally or negligently violates the law while performing their duties can no longer maintain integrity. Parties who feel disadvantaged may file a complaint with the Police and the Notary Supervisory Board (Ardini, 2024). The Supervisory Board has the authority to take firm action and impose sanctions if a Notary neglects their official duties, undermines the dignity of their office, or violates other applicable laws and regulations, including Law of the Republic of Indonesia Number 30 of 2004 concerning the Notary Office (Vadilla et al., 2023). It may even recommend that the Minister of Law and Human Rights revoke the organization’s operating license (Jurnalistika, 2022).

Regarding conduct as a notary, Ismail Shaleh stated that there are four main points that must be observed, namely: having strong moral integrity in carrying out professional duties, a notary must possess firm moral integrity, must be honest with both clients and oneself (intellectual honesty), must be aware of the limits of their authority, and should not act solely based on financial gain (Titin Roswitha Nursanthy et al., 2020).

As stated in Article 83 paragraph (1) of the Notary Law (UUJN), “Notaries establish and enforce a Notary Code of Ethics.” The provision of Article 13 paragraph (1) of the Articles of Association of the Indonesian Notary Association follows the above regulation, namely: “The Association has a Notary Code of Ethics established by the Congress, which constitutes a moral requirement that must be observed by every member of the Association in order to uphold the honor and dignity of the notarial profession.”

Sanctions for notaries who violate the code of ethics do not involve dismissal from the notarial office, but rather expulsion from the Indonesian Notary Association (INI), allowing the concerned notary to continue acting as a notary even after a code of ethics violation has been established. Likewise, a notary who receives a sanction of dishonorable discharge from membership in the Indonesian Notary Association (INI) is still permitted to carry out their duties as a notary and produce valid documents. This is because only the Minister has the authority to dismiss a notary from office. The objectives of this research include identifying and analyzing the sanctions imposed on Notaries by the Honorary Council for violations of the Code of Ethics, as well as examining the authority of the Ministry of Law in supervising Notaries regarding such violations (Rimadini, 2025).

The concept of authority, in which the government, in carrying out its duties to manage public interests, often performs acts or administrative actions. Government actions are the acts and authorities of government bodies to carry out duties or objectives by exercising specific or special powers (Purboproto, 1981).

Based on Article 1 point 1 of Law Number 30 of 2004 concerning the Notary Office, it is stated that a Notary is a public official authorized to draw up authentic deeds and other authorities as referred to in this Law. Article 1 point 1 of Law Number 2 of 2014 concerning the Notary Office states that a Notary is a public official authorized to draw up authentic deeds and vested with other authorities as referred to in this Law or other laws.

The term or character in question refers to signs used in shorthand writing (stenography). The essence of the notarial office is as a public official (private notary) appointed by public authority to serve the community's need for authentic evidence, which provides certainty in civil law relations. Therefore, as long as authentic evidence remains necessary within the country's legal system, the notarial office will continue to be essential in society (Tobing, 1980).

A Notary has authority as determined by statutory regulations. The authority of a notary, which in English is referred to as "*the notary authority*", and in Dutch as "*de notaris autoriteit*", is related to the power inherent in the position of a notary. Previous research includes "Implementation of the Notary Code of Ethics in Carrying Out the Profession and Position of Notary as a Public Official in Magelang City" by Sigit Budiarto Catur Putro, which found that the implementation of such supervision still faces several obstacles that need to be addressed. These include limited funds to carry out supervision, the absence of adequate facilities and infrastructure to support supervisory activities, and time constraints of the Supervisory Council members and the Regional Honorary Council of Notaries due to their primary duties and responsibilities as Notaries and other work commitments.

"Implementation of Sanctions for Violations of the Code of Ethics in the Notarial Office in Bungo Regency" by Taupiqqurrahman. The violations of the code of ethics that occurred include: the presence of witnesses who have blood or marital relations with the notary, deeds that were not signed by the witnesses and the Notary at the time the appearers signed the deed, and deeds that were not signed by the appearers' spouses, involving the Notary.

"Legal Analysis on the Enforcement of Violations of the Notary Code of Ethics in Semarang City" by Eva Zuliana. A notary who commits a violation will be sanctioned by the Regional Supervisory Council, while the authority to dismiss or remove lies with the Central Supervisory Council. The obstacles faced by the Honorary Council in enforcing the code of ethics include the limited number of Honorary Council members and the sense of reluctance among colleagues in the same profession to reprimand or impose sanctions.

There are similarities and differences between those theses and the analysis conducted by the researcher. The similarity lies in examining and analyzing the authority of government institutions in the dismissal of Notaries, whether with honor, temporary, or dishonorable discharge. It also emphasizes that a Notary must be prepared to comply with the regulations set forth both by the professional organization and by the Law governing the duties, prohibitions, and authority of a Notary itself. The difference, however, is that the discussions and analyses in the five theses above highlight that a Notary may not only be dishonorably dismissed due to criminal actions alone.

METHOD

The type of research used in this writing is normative legal research. Research is essentially a stage of re-examining the truth in order to answer questions that arise regarding a research object. Research serves as the main means of developing knowledge because it is carried out systematically, methodologically, and analytically to arrive at a conclusion. This research will employ several types of approaches, including the Statute Approach, the Analytical and Conceptual Approach, and the Case Approach. Regarding legal research methods, several types of sources of legal materials are recognized, namely primary sources of legal materials, secondary sources of legal materials, and tertiary sources of legal materials.

RESULTS AND DISCUSSION

Sanctions For Notaries By The Honorary Council For Violations Of The Code Of Ethics

The performance of notarial duties and office is required to comply with the provisions of the UUJN and the Code of Ethics. In carrying out their office, notaries are supervised by two institutions: the Ministry of Law and Human Rights, which issues the UUJN, and the Notary Organization, namely the Indonesian Notary Association, which issues the Notary Code of Ethics (Safira, 2025).

The Honorary Council, as an organ of the Association that is established and functions to enforce the code of ethics, also has the authority to provide guidance, supervision, and development of members in upholding and supporting the notary code of ethics. This goes hand in hand with the obligations of notaries, namely that notaries as well as others (as long as they are carrying out the notarial office) are required to respect, comply with, and implement the regulations and decisions of the Association.

Supervision and guidance of a curative nature by the Honorary Council is carried out through the imposition of sanctions on notaries who have violated the code of ethics. The imposition of sanctions is adjusted to the quantity and quality of the violations committed. Sanctions imposed by the Notary Honorary Council are expected to raise awareness and/or create a deterrent effect on the notary who committed the violation.

Based on Article 59 point 6 of the Bylaws of the Indonesian Notary Association (hereinafter referred to as ART INI), the duties and obligations of the Regional Honorary Council (DKD) are to provide guidance and supervision in the implementation and compliance with the Notary Code of Ethics by members of the Association in their respective regions. In addition to these duties and obligations, the Regional Honorary Council also examines and makes decisions on alleged violations of the provisions of the code of ethics that are internal in nature or not directly related to public interests, and provides advice and opinions to the Supervisory Council regarding alleged violations of the code of ethics and the notarial office.

In carrying out its duties, the Honorary Council may conduct examinations of members of the organization suspected of violating the code of ethics, and if found guilty, the Honorary Council has the right to impose organizational sanctions as stipulated in Article 6 paragraph (1) of the Code of Ethics of the Indonesian Notary Association, in the form of reprimand, warning, temporary suspension, expulsion, and dishonorable discharge from membership in the association.

The Regional Honorary Council is an autonomous body in making decisions, with the duty and obligation to provide guidance and supervision in the implementation and compliance with the Code of Ethics by association members in their respective regions. Article 19 paragraph (8) of the ART INI states that, in carrying out its duties and obligations, the Regional Honorary Council is authorized to:

First, provide and convey suggestions and recommendations related to the Code of Ethics and the development of professional solidarity (*corpsgeest*) to the Regional Board.

Second, issue warnings, either in writing or verbally, directly to members in their respective regions who commit violations or acts inconsistent with the Code of Ethics or contrary to the spirit of professional solidarity.

Third, notify the Regional Board, Regional Supervisory Board, Regional Honorary Council, Central Board, and Central Honorary Council regarding such violations.

And finally, propose to the Central Board, through the Regional Honorary Council and Central Honorary Council, the temporary suspension (*schorsing*) of association members who violate the Code of Ethics.

From the meeting, minutes are prepared and signed by the concerned member, the chairperson, and one member of the Regional Honorary Council. The Regional Honorary Council is required to issue a decision within thirty (30) days after the complaint is filed. The

decision of the Regional Honorary Council may be appealed to the Regional Honorary Council. The Regional Honorary Council must notify its decision to the Regional Board, Regional Supervisory Council, Regional Honorary Council, Central Board, and Central Honorary Council.

Based on Article 58 point 2 of the ART INI, the Regional Honorary Council (DKW) is an autonomous body in making decisions. The Regional Honorary Council (DKW) consists of five (5) ordinary members, namely at least three (3) ordinary members from active notaries and at most two (2) ordinary members from retired notaries. If the requirement of three active notaries is not met, the remaining members are selected based on the next highest number of votes.

The composition of the Regional Honorary Council consists of at least a Chairperson, a Vice Chairperson, and a Secretary. The Regional Honorary Council (DKW) has duties and obligations as stipulated in Article 58 point 6 of the ART INI, namely to provide guidance and conduct supervision in the implementation and compliance with the Notary Code of Ethics by members of the Association in their respective regions. In addition, the Regional Honorary Council (DKW) is responsible for and reports its accountability to the Regional Conference regarding the performance of its duties and obligations. The term of office of the Regional Honorary Council is the same as the term (period) of the Regional Board.

According to Article 8 of the Notary Code of Ethics, it is explained that the Honorary Council may investigate alleged actions deviating from the code of ethics by members of the organization either on its own initiative or after receiving a written complaint from a member of the organization or another person, accompanied by clear and factual evidence that a code of ethics violation by a member of the association has allegedly occurred. The procedure is that any complaint or violation that arises will first be examined by one Honorary Council and may not be examined by another Honorary Council.

Violations of the Code of Ethics by a Notary are subject to punishment based on the type of violation. Various measures may be taken, namely examination and sanctions at the first level as regulated in Article 9 of the Amendment to the Notary Code of Ethics, Extraordinary Congress of the Indonesian Notary Association, Banten, May 29–30, 2015. In this provision, the Regional Honorary Council (DKD) / Regional Honorary Council (DKW) / Central Honorary Council (DKP), after finding facts of alleged violations of the Code of Ethics as referred to in Article 8 of the Amendment, must summon in writing the concerned member within no later than fourteen (14) working days to ascertain the occurrence of the Code of Ethics violation by the member of the association and to provide the concerned member with the opportunity to give an explanation and defense. The summons must be delivered no later than fourteen (14) working days before the date of the examination.

A sanction of temporary suspension may be imposed on a notary for various violations of the Code of Ethics, such as performing duties outside their jurisdiction, leaving their jurisdiction for more than seven (7) working days without a valid reason, holding prohibited concurrent positions, engaging in acts that demean the honor of the office, or violating duties and prohibitions stipulated in the Notary Law and the Notary Code of Ethics. Temporary suspension sanctions are imposed on notaries who violate the code of ethics to provide a deterrent effect and maintain the integrity of the notarial profession. After the suspension period ends, the notary may resume their office if the specified requirements are met.

The Honorary Council that imposes sanctions, no later than fourteen (14) working days after receiving a copy of the appeal request letter, is obliged to send all copies/photocopies of the examination files to the Central Honorary Council. After receiving the appeal request, the Central Honorary Council must summon the member who filed the appeal, no later than fourteen (14) working days after receiving the request, to hear their statement and provide them with the opportunity to defend themselves in the Central Honorary Council session.

The Authority Of The Ministry Of Law In Supervising Notaries For Violations Of The Code Of Ethics

The Ministry of Law and Human Rights of the Republic of Indonesia (Kemenkumham) holds a central and authoritative position in the supervisory system of the notarial profession in Indonesia.

To carry out this supervisory function, Kemenkumham establishes and coordinates the Notary Supervisory Council (Majelis Pengawas Notaris/MPN) at three levels, namely the Regional Supervisory Council (Majelis Pengawas Daerah/MPD), the Provincial Supervisory Council (Majelis Pengawas Wilayah/MPW), and the Central Supervisory Council (Majelis Pengawas Pusat/MPP). The MPN operates collectively and consists of representatives from the government, academia, and professional organizations, but structurally remains under the authority and control of Kemenkumham.

The granting of authority to the Ministry of Law and Human Rights (Kemenkumham) in managing the notarial office is explicitly regulated in several statutory provisions, particularly: Articles 2 and 3 of Law Number 2 of 2014 concerning the Notarial Office, which stipulate that notaries are appointed and dismissed by the Minister of Law and Human Rights; Articles 67 to 70 of the Notary Office Law (UUJN), which regulate the guidance and supervision of notaries carried out by the Minister of Law and Human Rights through the Notary Supervisory Council; and the Minister of Law and Human Rights Regulations that govern the technical implementation of guidance and supervision, such as Ministerial Regulation Number 7 of 2016 concerning the Notary Supervisory Council.

The Ministry of Law and Human Rights (Kemenkumham) not only carries out administrative supervision, but also has the authority to follow up on reports of violations related to the code of ethics if such violations affect the formal legal performance of the office.

Kemenkumham does not merely act as a passive supervisor, but also as an enforcer of the integrity of the notarial office through its formal legal authority. Its position as the mentor and supervisor of the notarial profession places Kemenkumham at the forefront in safeguarding the dignity and accountability of the notary profession within the national legal system. The following is a detailed explanation of the position and role of Kemenkumham in supervising notaries.

In carrying out supervision, the Ministry of Law and Human Rights (Kemenkumham) establishes and oversees the Notary Supervisory Council (Majelis Pengawas Notaris/MPN), which consists of: the Regional Supervisory Council (Majelis Pengawas Daerah/MPD) at the regency/municipal level, the Provincial Supervisory Council (Majelis Pengawas Wilayah/MPW) at the provincial level, and the Central Supervisory Council (Majelis Pengawas Pusat/MPP) at the national level.

These three Councils are tasked with providing guidance and supervision of notaries within their respective jurisdictions, based on a Decree from Kemenkumham. Through the MPN, Kemenkumham is responsible for overseeing notaries' compliance with the Notary Office Law and the code of ethics, as well as providing guidance to ensure that notaries carry out their duties professionally and in accordance with regulations.

Kemenkumham holds a central and official position as the institution supervising the notarial profession in Indonesia. Supervision is carried out through the Supervisory Council and the Honorary Council established and overseen by Kemenkumham, so that supervision is both administrative and professional in nature, while the judiciary only plays a role if there are reported violations that require legal proceedings.

By having authority over the notarial profession, Kemenkumham can ensure that: Notaries appointed meet legal and ethical qualification requirements, The procedures for carrying out their duties comply with positive law, Sanctions are imposed objectively and

proportionately in cases of legal or ethical violations, and The notarial office is not misused for personal gain or to breach public trust.

Kemenkumham also serves as the authority that guarantees the integration of the formal legal system with notarial practice through regulations, information system-based supervision (such as AHU Online), and inter-agency cooperation (with the prosecutor's office, police, PPATK, and others).

To ensure the professionalism and integrity of notaries, supervision of the implementation of this office is carried out in a structured manner through two main institutions: the Ministry of Law and Human Rights (Kemenkumham), which acts as the administrative and state supervisor, and the Notary Honorary Council (DKN), which operates under the professional organization, the Indonesian Notary Association (INI), and holds authority over ethical aspects. The synergy between these two institutions is crucial to ensure that supervision of notaries is comprehensive and effective, covering both legal-formal aspects and professional ethics.

The authority of the Ministry of Law and Human Rights (Kemenkumham) in fostering and supervising notaries is explicitly provided in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 on the Notary Office (UUJN). Articles 2 and 3 stipulate that notaries are appointed and dismissed by the Minister of Law and Human Rights. Meanwhile, Articles 67 to 70 specifically regulate that the guidance and supervision of notarial duties are carried out by the Minister through the establishment of the Notary Supervisory Council (MPN), which consists of three levels: the Regional Supervisory Council (MPD), the Provincial Supervisory Council (MPW), and the Central Supervisory Council (MPP). These three bodies are responsible for supervising the performance of notaries as well as handling administrative violations or alleged legal violations committed by notaries.

Supervision of notarial conduct and ethics is carried out by the Notary Honorary Council (DKN), which is established by the Indonesian Notary Association (INI). This council plays a role in handling cases of notarial code of ethics violations, conducting honorary hearings, and imposing ethical sanctions in accordance with the organization's internal regulations. The legal basis for the existence of the DKN can be found in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 17 of 2021 concerning Procedures for Examination by the Notary Honorary Council, which clarifies the mechanisms and limits of the Council's authority in assessing ethical violations as well as the procedures for coordination with the Ministry of Law and Human Rights (Kemenkumham) if indications of legal or administrative violations are found.

Collaboration between the Ministry of Law and Human Rights (Kemenkumham) and the Notary Honorary Council (DKN) is generally implemented through regular coordination meetings, attended by representatives of the Supervisory Council and the Honorary Council at each regional level.

These meetings discuss various issues related to notarial supervision, evaluation of supervisory bodies' performance, and synchronization of procedures for summoning and examining reported notaries. Several Regional Offices of Kemenkumham even actively organize technical guidance, dissemination of the code of ethics, and integrity-strengthening training for notaries, involving both the Regional Supervisory Council (MPD) and the DKN as resource persons. This demonstrates that notary development has moved toward an integrative approach, focusing not only on sanctions but also on prevention (Haryati, 2018).

The Notary Honorary Council (DKN) also provides ethical recommendations to the Ministry of Law and Human Rights (Kemenkumham) if serious violations are found that require administrative action, such as temporary suspension or dismissal from office. Although the DKN does not have administrative authority to dismiss a notary, its recommendations are

often taken into consideration by the Supervisory Council and the Minister of Law and Human Rights in making decisions.

Conversely, the Supervisory Council may also request ethical opinions from the DKN to complement the examination process of a notary suspected of misconduct. This exchange of information and recommendations reflects the functional synergy between the two institutions, each with different but complementary scopes of duty.

The integrated supervisory system between Kemenkumham and the DKN has brought a number of significant benefits, including increased ethical and legal awareness among notaries, a decrease in the number of serious violations, and improved public trust in the notarial institution. Comprehensive supervision from both sides—formal legal aspects by Kemenkumham and professional ethics aspects by the DKN—makes oversight of notaries more effective and thorough. Beyond focusing on sanctions, this synergy also promotes the development of a humanistic and educational supervisory system, aimed at preventing violations through the enhancement of professional capacity.

In dealing with the complexity of legal issues involving notaries, institutional synergy becomes highly essential. Kemenkumham, as the representative of the state, is tasked with ensuring that the execution of the notarial office complies with positive law and provides protection to the public, while the Notary Honorary Council ensures that the notarial profession continues to uphold ethics, integrity, and the dignity of the office. Neither can work independently. The synergy between the two creates a supervisory and developmental system that balances state authority and the profession's internal control, ultimately strengthening public trust in the national legal system.

Actions that are not in accordance with the Notary Code of Ethics cannot be justified, as regulations are made to govern and prevent public officials from acting arbitrarily in carrying out their duties. Article 6 of the Notary Code of Ethics of the Indonesian Notary Association (INI) also explains the sanctions that may be imposed on notaries who violate the Code of Ethics. A notary who violates these rules will be subject to sanctions in accordance with the nature of the violation. A notary is obliged to comply with the law in order to become a better professional, ensuring that all actions can be accounted for without harming the public or clients.

The Regional Honorary Council serves as an organizational body established to function as the enforcer of the code of ethics with an independent and neutral character. This means that the council has no inclination toward any particular party. The Honorary Council may investigate alleged violations of the code of ethics by members of the organization either on its own initiative or upon receiving a written complaint from another member or from the public, accompanied by convincing facts and evidence of such alleged violations. The sanctions imposed by the Honorary Council may take the form of a Reprimand, Warning, Temporary suspension from membership of the Association, Honorable discharge from membership of the Association, or Dishonorable discharge from membership of the Association.

CONCLUSION

A notary, in carrying out any action, must comply with the Notary Code of Ethics and continue to uphold legal ethics and dignity in the practice of their profession. The Honorary Council has the authority to enforce internal discipline through various levels of sanctions but does not have the power to revoke the official position of a notary. For formal administrative actions such as revocation of office, intervention from the Ministry of Law is required. Based on the study in the previous chapter, it can be concluded that the Notary Code of Ethics established by the Indonesian Notary Association, in accordance with the decisions of the Congress, determines, regulates, and applies to every member of the organization, and that

every party carrying out the duties and obligations of a notary must obey and comply. The procedure and implementation of sanctions against notaries suspected of violating the Notary Code of Ethics are carried out with reference to applicable laws and regulations as well as other established provisions. The imposition of sanctions is not carried out arbitrarily but must follow the prescribed procedures, both during the summons and the examination process. The summons is conducted to hear statements, explanations, or defenses from the notary concerned. The member in question also has the right to appeal the decision rendered. Once an appeal is submitted, the decision will only become final afterward. However, if the notary concerned does not file an appeal within the specified time, the decision is deemed final

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