



## JLPH: Journal of Law, Politic and Humanities

E-ISSN: 2962-2816  
P-ISSN: 2747-1985<https://dinastires.org/JLPH> ✉ [dinasti.info@gmail.com](mailto:dinasti.info@gmail.com) ☎ +62 811 7404 455DOI: <https://doi.org/10.38035/jlph.v6i3>  
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# The Relevance of Certainty and Fairness to Notary Honorarium Values in the Notary Position Law

**I Gusti Agung Wisnu Satria Wangsa<sup>1\*</sup>, I Made Suwitra<sup>2</sup>, I Wayan Kartika Jaya Utama<sup>3</sup>**<sup>1</sup> Program Studi Magister Kenotariatan Fakultas Pascasarjana Universitas Warmadewa, Indonesia, [notariat24a@gmail.com](mailto:notariat24a@gmail.com)<sup>2</sup> Program Studi Magister Kenotariatan Fakultas Pascasarjana Universitas Warmadewa, Indonesia, [madesuwitra27@gmail.com](mailto:madesuwitra27@gmail.com)<sup>3</sup> Program Studi Magister Kenotariatan Fakultas Pascasarjana Universitas Warmadewa, Indonesia, [utama.kartikajaya@gmail.com](mailto:utama.kartikajaya@gmail.com)\*Corresponding Author: [notariat24a@gmail.com](mailto:notariat24a@gmail.com)<sup>1</sup>

**Abstract:** This study discusses the regulation of notary fees in Article 36 of the Notary Law (UUJN) in relation to the principles of legal certainty and justice. The problem arises because this provision regulates the maximum fee, but does not provide clear parameters regarding economic and sociological values, nor does it regulate the minimum fee. This study uses a normative legal research method with a regulatory approach and a conceptual approach using primary, secondary, and tertiary legal materials. The results of the study show that the regulation of notary fees provides legal legitimacy for notaries to receive compensation for the legal services they provide and aims to provide legal protection for notaries and the public. However, the ambiguity of the norms in this provision has the potential to cause differences in interpretation and tariff competition between notaries. Therefore, the determination of notary fees needs to be done proportionally by taking into account legal provisions, professional codes of ethics, and social conditions.

**Keyword:** Notary, Honorarium, Certainty, Justice.

## INTRODUCTION

Based on Article 1 paragraph (3) of the 1945 Constitution, Indonesia is a country based on the rule of law. All aspects of national and state life must be based on the law, which is a consequence of the establishment of the country as a country based on the rule of law, so that there will be certainty, order, and legal protection for all parties (Siringoringo, 2022). In line with Article 27 of the 1945 Constitution, which states that every citizen has equal standing before the law and the government (Amin Sinaga & Sharfina Desiandri, 2024).

Guarantees of certainty, order, and legal protection require authentic written evidence regarding specific circumstances, events, or legal actions created by authorized officials. (Laily Az Zahra et al., 2024). Law No. 30 of 2004 concerning Notarial Positions (hereinafter referred to as UUJN) grants notaries the authority to assist and serve members of the public who require authentic written evidence regarding circumstances, events, or legal actions (Adjie, 2014a).

Notaries are authorized to draw up authentic deeds requested by the parties appearing before them (Sirait & Djaja, 2023). A notarial deed is an agreement between parties that binds those who make it, therefore the requirements for a valid agreement must be met (Utama, 2019). The authority and obligations of notaries in carrying out their duties are regulated in Articles 15 and 16 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notaries (hereinafter referred to as the Amended Law on Notaries). In addition, notaries also provide legal counseling to clients (Tenggara, 2024). When providing legal advice, notaries must consider various legal aspects and social norms that apply in society so as to avoid legal problems in the future (Endi Pratama & Ni Luh Gede Astariyani, 2025).

In the increasingly complex process of national development, the role and function of notaries continues to evolve and become increasingly necessary. To ensure the smooth running of every activity, legal certainty is a necessity and must therefore be pursued by all parties involved in the activity (Aulia et al., 2024). Therefore, a notary is a public official who is appointed and dismissed by the state and works for the benefit of the state in providing services to the public (Indriet Pratiwi Wiranita Wiratmodja & Romlan, 2022). The community, as service users, provide honoraria for the services rendered by a notary (Erika et al., 2025).

This is where the problem arises. On the one hand, as an extension of the government, it is only natural that people who use notary services expect to receive reliable services from notaries, in this case in the form of deeds that are truly valuable, of high quality, and legally certain. On the other hand, even though notaries are appointed by the state, they do not receive a salary from the state for performing their duties (Sirojul Hakim & Santoso, 2025). Further provisions regarding notary fees are specified in Article 36 of the UUJN.

As stated in Article 36 Paragraph (1) of the UUJN, notaries are entitled to receive honoraria for legal services provided in accordance with their authority, whereby to date the regulation of such honoraria does not specify a definite amount or proportion, but only sets an upper limit preceded by the words "not exceeding" as stipulated in the UUJN (Saputra et al., 2023).

Based on the above opinion, we can understand that the UUJN does regulate notary fees, but only in terms of the maximum limit (Kusuma & Bagiastra, 2022). Experience in the field shows that the maximum limit stated with the words "maximum" and "not exceeding" causes unfortunate problems, because the lack of certainty regarding the amount of the honorarium allows for bargaining between notaries and clients. This competition has become even more intense with the issuance of Decree of the Director General of Higher Education No. 60 of 2000, in which the government changed the status of the Notary Specialist Education Program to a Master of Notary Studies Program. Most graduates of the Master of Notary Studies program work as notaries, and the facts show that most of them choose to work in big cities, creating the impression of a surplus of notaries. This can also be seen from the large number of notary offices in major cities, including Denpasar, where one notary office is located close to another.

The increasing number of notaries has led to a "price war" among notaries and ultimately to competition among notaries to obtain clients. This has caused the fees received by notaries, which were already low, to become even lower. The price war in the notary profession has become so severe that it is not uncommon for notaries to engage in an "unreasonable price war" in an effort to attract clients.

This reality shows that the provisions regarding the amount of fees, both those specified in the UUJN and those determined by each regional administrator, have no power, as stated by Habib Adjie, who also believes that the inclusion of the amount of fees in the Notary Profession Law is not binding on notaries and parties who require notary services. but only as a reference

or benchmark, and there is no specific oversight regarding fees if a notary follows or does not follow these provisions.

The intellectual product of a notary is a deed, therefore notaries must be given recognition as a form of implementation of their expertise, so that notaries are not considered mere craftsmen in making deeds. Notarial deeds must always be assessed as evidence that has full probative force (Nofriandi et al., 2023). Every notarial deed that is drawn up has its own unique touch from the notary concerned, which requires precision (Faradina, 2024). Therefore, it is only natural that a notary should receive a reasonable fee, which must of course be agreed upon with the client who requires the notary's services. One of the parameters that needs to be considered in determining the fee is the level of difficulty in drawing up a deed, which is adjusted to the requests of the parties/clients. Based on its highly valuable function, a deed should not be viewed solely in terms of its economic or sociological value, as there is no accurate measure for determining the economic and sociological value of a deed.

The above explanation shows that notaries, in carrying out their professional duties, are appointed and dismissed by the government, but are not paid by the government and do not receive a pension from the government. Thus, it can be said that a notary's honorarium is their right as personal income. Therefore, everyone who has used the legal services of a notary in the preparation of a deed is obliged to pay the honorarium unless otherwise specified by law. However, notaries are still obliged not to demand a higher honorarium from the public than that specified in the law.

Legal services are provided to those who have the ability to pay notary fees or are provided voluntarily based on an agreement by the client or interested parties. The notary's obligation in providing legal services to the public must be the same without any differences, because a deed will be the same regardless of whether the party is able to pay the notary's honorarium or fee in accordance with the provisions of the UUJN or pays a low rate or even just expresses gratitude or promises to pay later for various reasons, even though this only occurs on a small scale with some notaries.

The provisions regarding notary fees in the Notary Profession Law (UUJN), particularly in Article 36, are essentially intended to provide limits on the amount of service fees that notaries can receive (Dyatma Shafiradini, 2022). These provisions serve as instruments to ensure legal certainty and realize a sense of justice, both for notaries as public officials and for the public as service users. However, in practice, there is the issue of vague norms, namely when the UUJN sets a maximum limit for honoraria but does not explicitly regulate the consequences or sanctions that can be imposed if a notary sets an honorarium below or above this limit. The absence of explicit sanctions creates ambiguity in the application of the norm, thereby potentially weakening the principle of legal certainty.

From the perspective of legal certainty, an ideal norm should not only contain commands or prohibitions, but also the legal consequences of violating them. Without clear sanctions, the provision regarding the maximum fee has the potential to become a norm that lacks coercive power. This can lead to differences in interpretation and inconsistencies in law enforcement. Meanwhile, from the perspective of fairness, the regulation of maximum fees aims to prevent excessive fees and protect the public from possible abuse of office. However, without clear enforcement mechanisms and sanctions, this protection becomes less effective. On the other hand, it is also necessary to consider the principle of fairness for notaries, given that honoraria are the only source of income for notaries who do not receive salaries or pensions from the state.

Thus, the relevance of certainty and fairness to the regulation of notary honoraria in the UUJN is very important to examine. A systematic interpretation of existing provisions or even regulatory updates is needed to clarify the form and type of sanctions that can be imposed in the event of a violation of honorarium limits. These efforts aim to maintain a balance between

public protection, legal certainty, and the rights of notaries as public officials who perform public service functions.

## **METHOD**

The type of research used is normative legal research (IRIANTORO & UTAMA, 2025) because Article 36 of the UUJN is a vague norm because, although it regulates notaries' rights to honoraria and maximum percentages, its formulation uses terms that do not have objective and definitive measurements. The UUJN does not provide clear parameters on how to determine these values, thus opening up room for different interpretations in practice. As a result, whether notaries in determining fees are based on the principles of legal certainty and fairness so that in the provisions of Article 36 of the UUJN, the value of notary fees is in line with the basic values of law, namely certainty and fairness, resulting in a clearer, more proportional formulation of norms that does not cause ambiguity in its application. The approaches used in this study are the legislation approach, the conceptual approach, and the case approach. The legal materials in this study were obtained from several sources, namely primary legal materials, secondary legal materials, and tertiary legal materials. The collection of legal materials was carried out using library research techniques and then analyzed using interpretation techniques.

## **RESULTS AND DISCUSSION**

### **Regulation of Notary Fees in Ensuring Legal Certainty and Protection for Notaries and the Public**

Recognition of the notary's right to receive honoraria is regulated in Article 36 of the UUJN, which states that notaries are entitled to receive honoraria for legal services provided in accordance with their authority (Faedhatu et al., 2024). These provisions normatively indicate that the state recognizes the economic rights attached to the position of notary. However, these regulations cannot be understood solely as financial legitimacy, but must be read in the context of balanced legal protection between the interests of notaries as public officials and the interests of the public as service users.

The concept of legal protection in Indonesian legal doctrine has been extensively formulated by Philipus M. Hadjon, who distinguishes between preventive and repressive legal protection (Barkah et al., 2024). Preventive legal protection aims to prevent disputes through clear norms and transparent mechanisms, while repressive protection aims to resolve disputes after violations have occurred (Mohammad Adzan, 2025). In the context of regulating notary fees, clarity in setting fee standards is a form of preventive protection, as it can avoid potential disputes between notaries and clients regarding the amount of service fees.

The relationship between notaries and the public is one based on trust (Chisbiyah, 2025). Authentic deeds drawn up by notaries have full probative force, making the legitimacy and integrity of notaries crucial (Pyarrani & Burhanuddin, 2025). If a dispute arises regarding fees, it will not only affect private relationships, but also the legitimacy of the notary's position as a public official. Therefore, fee regulations must be designed in such a way that they do not open up opportunities for practices that are detrimental to the public or place notaries in a position where they are vulnerable to accusations of abuse of authority. Professionalism is reflected not only in the quality of deeds, but also in the transparency and fairness of fee setting. Without clear standards, professionalism can be reduced to unhealthy price competition, which ultimately damages the image of the notary position.

Legal protection for notaries is also related to certainty regarding their economic rights. Notaries, as public officials, do not receive salaries from the state, so their main income comes from legal service fees. Therefore, regulations that are too restrictive without considering aspects of economic justice can also harm notaries. In this context, legal protection must be

understood in a balanced manner to protect the public from unreasonable fees, while also protecting notaries from competitive practices that demean the dignity of the profession.

Article 36 paragraph (1) of the UUJN states that notaries are entitled to receive fees for legal services provided in accordance with their authority. This provision confirms that the right to honorarium is a normative right inherent to the position of notary. From a rights theory perspective, this right is a right that derives from the attribution of authority by law. A right in positive law is always a reflection of a norm that gives a legal subject the authority to demand a certain performance. Thus, the notary's right to honorarium is a logical consequence of the attribution of authority granted by the state. Then, Article 36 paragraphs (2) and (3) of the UUJN regulate the maximum limit of honorarium based on the economic and sociological value of a deed. This regulation shows that the legislators did not completely leave the determination of honorarium to the mechanism of contractual freedom, but rather provided normative limits in the form of a certain percentage of the value of the object being agreed upon. This normative structure aims to prevent extreme differences and disproportionate tariff practices.

From the perspective of legal certainty theory, this regulation reflects the government's efforts to create clear and measurable norms. Gustav Radbruch, in *Einführung in die Rechtswissenschaft*, states that legal certainty (*Rechtssicherheit*) requires rules that are clear, unambiguous, and predictable in their application. In the context of Article 36 of the UUJN, the existence of a maximum limit on the percentage of fees is a concrete form of legal certainty because it provides normative guidelines that can be understood by both notaries and the public who use their services. However, upon further analysis, the structure of Article 36 of the UUJN is a "maximum limit" and not a "fixed tariff." This means that the law only determines the upper limit, while the lower limit is not explicitly regulated. Normatively, this condition opens up room for tariff competition between notaries, which has the potential to lead to a "tariff war." From the perspective of administrative law theory, this situation raises questions about the consistency of legal protection for notaries as public officials.

Legal protection in the context of state administrative law includes preventive and repressive protection. The regulation of maximum fees can be categorized as a form of preventive protection for the public so that they are not burdened with excessive fees. However, the absence of a minimum limit regulation can weaken preventive protection for notaries, especially in maintaining the dignity and professionalism of their position.

Article 36 of the UUJN must also be understood within the framework of the rule of law (*rechtstaat*) as emphasized in Article 1 paragraph (3) of the 1945 Constitution. In a state governed by the rule of law, every action of a public official must have a legal basis. Thus, the determination of fees by notaries without a clear normative basis can be categorized as an act that exceeds authority (*ultra vires*). Therefore, Article 36 of the UUJN serves as both a legal legitimization and a limitation on the financial authority of notaries. Systematically, Article 36 of the UUJN cannot be separated from the provisions of professional ethics and supervision carried out by the Notary Honorary Council. The norms regarding honoraria interact with the ethical norms in the Notary Code of Ethics established by professional organizations. This shows that the structure of honorarium regulations is not only positive law, but also ethical.

From the perspective of distributive justice theory as proposed by Aristotle in *Nicomachean Ethics*, justice in distribution must be based on proportionality (Sembiring, 2018). The regulation of the percentage of honorarium in Article 36 of the UUJN can be understood as an effort to apply the principle of proportionality, namely that the higher the economic value of the object, the greater the potential honorarium, but still within the maximum limits determined by law. However, this norm does not fully provide a standard formulation regarding the mechanism for calculating sociological value. The term "sociological value" in Article 36 of the UUJN is abstract and requires interpretation. In legal

interpretation theory, according to Sudikno Mertokusumo in *Penemuan Hukum* (Discovery of Law), open norms require legal construction by interpreters in order to be applied concretely. The ambiguity of the parameters of sociological value has the potential to cause variations in practice in the field, which can reduce the level of legal certainty.

Normatively, the regulation of honoraria in Article 36 of the UUJN reflects a mixed regulation model, which is a combination of state regulation and professional freedom. The state determines the maximum limit, while notaries and clients can agree on other amounts within that limit. This model theoretically seeks to balance public protection and professional autonomy. When analyzed from the perspective of the hierarchy of norms theory proposed by Hans Kelsen in *Reine Rechtslehre*, the norm in Article 36 of the UUJN derives its validity from a higher norm, namely the 1945 Constitution. Therefore, the regulation of fees must be in line with constitutional principles such as equality before the law and legal certainty. Thus, normatively, Article 36 of the UUJN has three main functions, namely:

1. legitimizing notaries' rights to honoraria;
2. limiting notaries' financial authority through maximum limits; and
3. providing preventive legal protection for the public.

However, legal protection for notaries in the context of honorarium regulations must be understood as part of the protection of public officials who perform state functions. Notaries not only perform private functions, but also public functions in creating authentic evidence that has full probative force. According to Philipus M. Hadjon, legal protection for public officials is important to ensure certainty in the performance of duties and avoid the criminalization of policies. In the context of honoraria, certainty regarding maximum limits is a form of protection against allegations of illegal fees. This legal protection is not yet fully optimal because the absence of minimum honorarium standards can reduce notaries' bargaining position amid market competition. In practice, the phenomenon of setting rates below professional standards has the potential to reduce service quality and the dignity of the position.

According to John Rawls in *A Theory of Justice*, justice must guarantee fairness in social structures. If the honorarium regulatory structure creates extreme inequality among notaries due to rate competition, then theoretically it can be said that the system does not fully reflect fairness. Therefore, legal protection for notaries requires a balance between the freedom to set fees and professional standards that maintain the quality of legal services. From the public's perspective, setting a maximum fee serves as a preventive protection instrument. The public, as users of notary services, are in a relatively weaker position in terms of information. By setting a maximum limit, the law seeks to prevent excessive exploitation. In modern consumer protection theory, tariff restrictions are a form of state intervention to prevent positional imbalances. This is in line with the principle of the welfare state, which places the state as the protector of public interests. However, public protection must also be balanced with quality service guarantees. Excessively low fees can lead to a decline in professional standards and ultimately harm the public itself.

Furthermore, Gustav Radbruch's theory of value combination asserts that the law should reflect three important elements, namely certainty, justice, and utility. In the regulation of notary fees, certainty is reflected in the existence of clear rules regarding the limits and basis for their determination. Fairness is seen in the effort to adjust the amount of honorarium to the value and level of difficulty of the work. Meanwhile, usefulness is evident in the creation of a sense of security and public trust in the notary profession. If these three elements are not balanced, then legal protection for notaries and the public will not be optimally achieved. Through the approach of coexistence or integration theory, these regulations are seen as a means of creating harmony in practice, so that the relationship between notaries and the public is fair and proportional, without any party being unduly advantaged or disadvantaged.

## **Application of the Principle of Fairness in the Practice of Determining Notary Fees**

Notaries are appointed and dismissed by the government, which represents the State through the Ministry of Law and Human Rights (Kemenkumham). Notaries are public officials who have the authority to produce authentic deeds as a form of strong evidence. Notaries also act as an extension of the State, and in this case, they carry out some of the State's duties in the field of civil law. The authority of notaries is not explicitly but implicitly explained in Article 1 paragraph 1 of Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notaries, often referred to as the UUJN, namely: "A notary is a public official who is authorized to draw up authentic deeds and has other powers as referred to in this Law or based on other laws."

Notaries are given authority by the state not for themselves but to carry out some of the state's duties in providing services to the community. This is the basis for why a notary must increase their knowledge and skills in serving the community as their main mission in life. Service in this case does not only mean "drawing up deeds"; drawing up deeds is only part of the activities referred to as service. Service involves holistic and comprehensive aspects, ranging from the ease with which the public can obtain information, contact the relevant notary, visit the notary's office, the facilities at the notary's office, and the friendliness of the notary and his or her employees.

The notary profession is classified as a noble profession. That is, a profession that is essentially a service to people or the community. People who carry out this noble profession also earn a living from their work, but that is not their main motivation (Kansil & Christine, 2006). The main motivation is the willingness of the person concerned to serve others. In the field of management science, notaries are in the same group as doctors, lawyers, and consultants, referred to as professional services. These professionals sell one thing, namely trusted services. Services in the world of notaries cannot be equated with ordinary business services, because services in the world of notaries must continue to refer to and comply with the Notary Code of Ethics.

For example, notaries cannot reduce their fees on the grounds of wanting to satisfy and serve clients well or place advertisements so that the public is aware of their existence. Such attitudes are wrong for a notary, as they sacrifice the dignity and nobility of the notary profession by violating the Notary Code of Ethics. Good and proper service for notaries is service that continues to comply with and obey the UUJN and the Notary Code of Ethics that have been ratified and agreed upon.

In the notary profession, there are ethical rules that are specific to that profession. The basic rules that apply to a profession are as follows:

1. A profession is a service, therefore professionals must also work selflessly, especially for clients who are unable to pay. The profession must be viewed (and lived) as a service; therefore, selflessness (disinterestedness) is a characteristic in developing the profession. Selflessness means that the determining factor in decision-making is the interests of the patient or client and the public interest, not one's own interests (development of the profession). If selflessness is ignored, professional development will lead to the exploitation (which can lead to abuse) of fellow human beings who are experiencing difficulties or hardships.
2. Professional service in prioritizing the interests of patients or clients refers to noble interests or values as critical norms that motivate attitudes and actions.
3. Professionals must always be oriented towards society as a whole;
4. In order for competition in service to be healthy so that it can ensure the quality and improvement of professionals, professional development must be driven by solidarity among fellow professionals.

Perasuraman, Leonard Barry, and Zeithaml say that there are five parameters that can be used to measure service quality, namely: reliability, assurance, tangibles, empathy, and responsiveness. Reliability is the notary's ability to deliver everything as promised. Certainty is the notary's ability to instill confidence in clients. Appearance refers to the appearance of the notary, the office, the equipment, and everything tangible that increases client confidence. Empathy is the notary's ability to understand the desires and problems faced by clients. Responsiveness is the notary's ability to provide solutions to clients as quickly as possible. In order to provide satisfactory service to clients, every notary must be reliable, convincing, presentable, empathetic, and responsive to the problems faced by clients. It can therefore be understood that notaries, like other professions that are trusted professions appointed by the state to carry out services for the community, prioritize service over the rewards they will receive, because the interests of the community are the nature of professions that prioritize public service.

One of the ways in which the State provides services to its citizens is by providing legal documents or evidence relating to personal legal matters, and this task is assigned to Notaries as public officials. The original manuscript or minute of a deed drawn up by a Notary becomes the property of the State and must be kept without any specific time limit. As a manifestation of the exercise of state authority granted to Notaries in their role as an office attached to them, not just as an ordinary profession, Notaries are authorized to use the state emblem, namely the Garuda Bird, in carrying out their duties.

In Article 1870 of the Civil Code, authentic deeds provide an absolute agreement to the parties who make them. Therefore, the importance of the notary's position lies in the authority granted by law to create a very strong means of evidence, which is why authentic deeds are legally considered valid. This is particularly significant for individuals or businesses that require notary services in their personal or business affairs.

Written evidence is provided in the form of authentic writings or handwritten documents. Article 1866 of the Civil Code states that the primary means of evidence is written evidence. This clearly shows that written evidence is the most important and primary means of evidence in the court process. One type of written evidence is an authentic deed, which is defined by Article 1868 of the Civil Code as a document made in accordance with the provisions of the law by a public official who has authority in the place where the deed is made. As is well known, the provisions in Article 1868 of the Civil Code are the basis for why a public official is required, namely a notary who has the authority to draw up authentic deeds.

Honorarium comes from the Latin word 'Honor', which refers to honor, glory, or a sign of appreciation. Initially, this also included the concept of compensation or payment given by a customer or client to someone as a sign of respect or appreciation for service providers or professionals, such as lawyers, accountants, doctors, and notaries. This meaning then evolved into a sum of money paid as compensation or reimbursement for someone's services or work, which is not included in their regular salary. Examples include payments to authors, translators, illustrators, and consultants. Notary fees are payments that must be made by people who use the services of a notary. However, notaries also have an obligation to provide free assistance to those who cannot afford to pay notary fees.

Article 36 paragraph 1 explains the notary's right to receive honorarium, which reads, "Notaries are entitled to receive honorarium for legal services provided in accordance with their authority." Notary is a position that is not just a job or profession, but also an office, and every office in this country has different authorities. All of these authorities must be based on a valid legal basis. When we talk about authority, the authority of any official must be clearly and explicitly defined in the legal regulations governing that official or position. The authority of a notary as regulated in Article 15, paragraphs (1) to (3) of the UUJN can be grouped into three parts, namely:

1. General powers held by notaries,
2. Special powers held by notaries, and
3. Powers of notaries to be determined at a later date.

Notaries and Auction Officials both produce legal documents, namely deeds and auction minutes, all of which are authentic deeds. Therefore, the work of notaries and Class II auction officials is justified in accordance with the law and is considered public work. Notaries who are selected as Auction Officials must meet the following criteria: they must have sufficient ability and knowledge about auctions, and the location where they work must not violate the rules regarding the working area of notaries.

In relation to the role of Notaries as Class II Auctioneers, Notaries are required to have the dignity and identity that are considered capable of filling this position because the abilities, qualifications, and knowledge possessed by a Notary are a complete combination of the skills required by a Class II Auctioneer. Expertise in accurately identifying formal requirements and the ability to detail and summarize events that are then recorded in authentic deeds are important skills that must be possessed. The necessary skills include the ability to carefully assess the completeness of formal requirements and the ability to describe events accurately so that they can be included in authentic deeds. Therefore, the role of a notary is very important for the identity of a Class II Auction Official.

For a Notary, the job of creating authentic deeds has a unique value because it involves the careful and meticulous preparation of deeds (Adjie, 2014b). Notaries should be allowed to set fees for the services they provide to the parties who come to them. This is done in accordance with the agreement between the notary and the parties who come to the notary, and depends on the level of complexity and difficulty of preparing the deed. It also depends on the risk factors involved in preparing authentic deeds, including deeds of sale and deeds of transfer for notaries. Because authentic deeds issued by notaries have great evidentiary power, the responsibility for risk in the future is higher, and notaries deserve to receive appropriate fees for the services and work they provide to their clients.

If notaries, as public officials, are not regulated in terms of minimum fees, then over time this "key factor" can lead to the emergence of unethical forms of competition because the integrity of the position is not strengthened, maintained, or upheld properly and correctly. Due to the high operational costs for notaries, this "key factor" opens up the possibility of intense price competition. Furthermore, this price or wage competition can become a gateway for the emergence of other forms of unhealthy competition. Price competition can lead to dishonest practices in the preparation of deeds in order to obtain sufficient income to cover high operational costs and generate large profits. In order to carry out the practice of making deeds that are needed due to the "price war" or as a result of it, various actions for unfair competition mentioned above may be carried out, including ignoring the "facing" principle that should be followed.

Setting fees that are lower than those determined by the Notary for authentic deed preparation services can be done in various ways. The agreement will regulate the work performed by the Notary, the time required for the preparation of the deed, and the amount of honorarium to be received by the Notary for the deed prepared. Regulations related to the economic value of the notary's honorarium are stipulated in Article 36 paragraph 3.

In terms of the economic value, the determination of the Notary's fee is a right obtained upon completion of their work in drafting authentic deeds and other matters related to the Notary's authority. Taking advantage of the client's economic situation can be very humane and idealistic. Assessing economic conditions is also not a simple task. Without clear parameters, using the client's economic situation as a basis for determining notary fees can still trigger unhealthy competition between notaries. Because clients who use notary services will

try to get the lowest possible rates and will compare one notary with another, this can reduce the value and reputation of the notary profession.

Sociological indicators are primarily regulated in Article 36 paragraph 4 of the UUJN, which reads, "Sociological value is determined based on the social function of the object of each deed with a maximum honorarium of IDR 5,000,000.00 (five million rupiah)." Therefore, this sociological value is determined by referring to the role of the object included in the notarial deed, the value of which does not exceed IDR 5,000,000.00 (five million rupiah). Deeds have value in a social context, such as deeds related to the establishment of foundations, schools, waqf land, houses of worship, or hospitals. Logically, there must still be regulations regarding the percentage of sociological value and economic value of notarial deeds. Due to the ambiguity of sociological value, it can be difficult for notaries to determine the percentage of economic value needed to reach the final amount of notary fees.

However, the limits set by the UUJN for notary service fees have no minimum or maximum limits. However, according to Article 4 paragraph 10 of the Notary Code of Ethics, the cost of notary services for each notarial deed cannot be less than that determined by the notary association. This indicates that the Indonesian Notary Association (INI) or notary organization has confirmed the lowest value for notary services.

However, even though minimum limits have been set by each regional administrator, There are still violations in the form of predatory pricing that cause unfair competition among fellow notaries. In his book entitled "Notarial Law: Building a Fair Indonesian Notarial System," H. Bachrudin expresses his opinion on the concept of unfair competition in notarial law practice, stating that there are several types of competition that fall into the category of unfair competition: unfair, dishonest, and unlawful competition. Regarding dishonest or fraudulent competition, such as notary competition that occurs without regard for professional ethics or efforts to prevent unfair competition in notary practice. One example is engaging in dishonest or unfair competition by: (Gunarto et al., 2019)

1. Providing deed preparation services in a non-transparent manner through notary staff, third parties, unofficial agents, or intermediaries;
2. Conducting secret or covert promotions by offering notary services at prices lower than those determined by the Indonesian Notary Association, on the condition that all deeds are prepared by one notary (preparing the entire deed);
3. Engaging in harmful competition, such as "price wars" or even implementing destructive competition involving the setting of very low prices or fees for notary services (predatory pricing) or harmful costs (predatory costs);
4. Taking unethical actions by preventing other notaries from participating in fair competition by creating barriers to access or entry.

The application of the principle of fairness in practice is also related to openness and accountability. This means that the determination of fees must be done clearly and openly, and notaries need to explain to clients the details of the costs charged. This transparency is important to prevent misunderstandings or disputes in the future, as well as to maintain public trust in the notary profession. Without transparency, even if the amount of fees is still in accordance with the provisions of the law, the practice may be considered unfair by clients.

In addition, supervision is also an important part of ensuring that the principle of fairness is truly implemented. The Honorary Council and professional organizations have the authority to assess whether the fees set are in accordance with laws and regulations and the code of ethics. If violations are found, notaries may be subject to administrative or ethical sanctions. The imposition of these sanctions aims to remedy the situation and restore balance in the event of deviations from the applicable rules.

In Indonesia's socio-economic conditions, the application of the principle of fairness must also take into account the capabilities of the community. In areas with low economic

levels, excessive fees can make it difficult for people to obtain authentic deeds. Therefore, fairness cannot be understood rigidly based only on written rules, but must also take into account the actual conditions in the community. If it is too formal and does not take social circumstances into account, then the goal of a state based on social justice cannot be achieved. The application of the principle of fairness in determining fees also has an impact on the notary profession as a whole. If rates are set fairly and justly, competition among notaries will focus more on service quality, not just low prices. This will strengthen professionalism and increase public trust. Conversely, if the principle of fairness is ignored, unhealthy competition may arise and the dignity of the notary profession may be diminished.

Thus, the application of the principle of fairness in the practice of determining notary fees is not just a matter of numbers or rates. It concerns the balance between legal rules, professional ethics, social conditions, and the responsibilities of notaries as public officials. The principle of fairness is an important guideline in determining reasonable fees, thereby creating balanced protection for both notaries and the public as users of legal services.

## CONCLUSION

The regulation of notary fees in Article 36 of the Notary Law (UUJN) essentially provides legal legitimacy for notaries to receive compensation for the legal services they provide. This provision also serves to create legal certainty and protection for the public through the establishment of a maximum fee limit. However, this regulation still causes ambiguity due to the absence of clear parameters regarding economic and sociological values and the lack of a minimum fee limit, which has the potential to cause differences in interpretation and competition in fees between notaries.

The application of the principle of fairness in the practice of determining notary fees must take into account the balance between legal provisions, professional codes of ethics, the socio-economic conditions of the community, and the responsibilities of notaries as public officials. The determination of fees that are transparent, proportional, and in accordance with the complexity of the work is important to maintain the professionalism of notaries, prevent unfair competition, and provide fair protection for notaries and the community as users of legal services.

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