

# The Role of Regional Honor Council in Maintaining the Honor of Notary Position

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## ABSTRACT

A profession that in carrying out its duties, functions and authorities requires an ethics, so does a Notary. So the code of ethics is used as a guideline for the behavior of members of the profession in acting and behaving. The existence of a Notary code of ethics aims to make the Notary profession run professionally with motivation and orientation to intellectual skills as well as rational and critical argumentation as well as upholding moral values. So that the notary in carrying out his position is supervised by the Notary Honorary Council, because this supervisory function is very necessary so that the Notary does not ignore the nobility and dignity of his profession. Writing this article aims to identify, examine and analyze the role of the Honorary Board in maintaining the honor of the position of Notary Public by upholding a code of ethics. This writing uses a normative juridical approach, using primary and secondary legal sources. Primary legal materials are obtained from laws and regulations and secondary legal materials are obtained from library materials, archives, and documents related to the object of research. The results of the discussion show that the position of the Honorary Board in the Notary organization has a strategic and important role in enforcing the code of ethics as an effort to maintain the honor of a notary. The Honorary Council in enforcing the Notary's code of ethics identifies, evaluates and improves the supervisory system for Notaries so that violations of the code of ethics can be minimized, the Honorary Council makes strategic steps to be implemented and used according to the objectives to be achieved.

**KEYWORDS:** Code of Ethics, Honor Council, Notary.



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## I. INTRODUCTION

Notary institutions are known by the community and are needed by the community in making an authentic written evidence tool in the civil field. The need for a notary is inseparable from legal practice that occurs daily, and cannot be separated from the increasing economy and legal awareness in society. Notaries have an important role in every legal relationship in people's lives, because in carrying out these legal relations, written evidence is required in the form of an authentic deed.<sup>1</sup> Therefore, a Notary in carrying out his duties, functions and authority of his position must adhere to the provisions of laws and regulations, namely Law Number 2 of 2014 concerning the Position of Notary and the code of ethics of the notary profession.

<sup>1</sup> Abdul Ghofur Anshori, *Lembaga Kenotariatan Indonesia Perspektif Hukum dan Etika*, (Yogyakarta: UII Press, 2009), p. 111-112.

In addition, notaries as public officials in carrying out their duties are imbued with Pancasila, are aware of and obey the law and have good personalities and uphold the dignity and honor of notaries, as stipulated in Article 1 of the Notary Code of Ethics.<sup>2</sup> The Notary Code of Ethics states that notaries and fellow notaries should be respectful and keep away from unhealthy competition and notaries must maintain the notary corps.<sup>3</sup>

The notary's ethical responsibility relates to moral norms which are a measure for a notary to determine the right or wrong or good or bad actions taken in carrying out their profession.<sup>4</sup> As we know, the current Notary Code of Ethics is a formulation that is based on developments that have taken place in a notary institution which was later amended at the Extraordinary Congress, namely the Indonesian Notary Association (INI) in Banten on May 30 2015.

A notary in carrying out his position cannot be separated from his ethics and behavior, as a public figure he must have ethics which are values, moral norms and a set of principles that become a guideline for a person or group in regulating his behavior.<sup>5</sup> The position of ethics serves to reach or reach a principle or establishment based on the upheaval of moral views that form critical reflections in him. A position or profession in its implementation requires ethics, which are codified in a code of ethics which is used as a role of game or a code of conduct for members, in which there are clear and firm rights, obligations, prohibitions and sanctions.

As a profession that is quite old, the Indonesian Notary Association Organization has a code of ethics, namely the Notary Code of Ethics, the function of ethic's code is dual, namely :<sup>6</sup>

1. Control the behavior of members of the profession so that there is no misuse of the knowledge/owned by the profession in question; And
2. The code of ethics serves to maintain dignity. The existence of a notary code of ethics aims to make the notary profession run professionally by having motivation and orientation to intellectual skills and having rational and critical argumentation and upholding moral values.

The position of the Indonesian Notary Association (INI) as a forum or association for notaries has a very important role in the process of implementing the professional code of ethics for notaries. Furthermore, the notary's code of ethics basically contains arrangements regarding:

1. Notary ethics in carrying out their duties;
2. Notary professional obligations;
3. Ethics regarding the relationship between a notary and his client;
4. Ethics regarding relations with fellow notaries; And
5. Prohibitions for notaries.<sup>7</sup>

This professional code of ethics is an embodiment of essential moral values and cannot be imposed from the outside. The code of ethics is only effective if it is imbued with the ideals

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<sup>2</sup> Ineke Bombing, *Pengawasan Terhadap Pejabat Notaris Dalam Pelanggaran Kode Etik*, Jurnal Lex Privatum, vol. 3, no. 2, (2015), p. 108.

<sup>3</sup> Yosephine Monica Sriulina Tobing, *Pembinaan, Pengawasan Dan Penegakan Norma Kode Etik Notaris Atas Pelanggaran Etik Oleh Notaris Di Kota Medan Dan Kabupaten Deli Serdang*, Jurnal Juristic, vol. 1, no. 1, (2021), p. 45.

<sup>4</sup> Tan Thong Kie, *Studi Notariat, Serba-serbi Praktek Notaris*, (Jakarta: Ichtiar Baru Van Hoeve, 2000), p. 89.

<sup>5</sup> Ghansham Anand, *Karakteristik Jabatan Notaris Di Indonesia*, (Jakarta: Kencana, 2018), p. 12.

<sup>6</sup> Yovita A. Mangesti and Bernard L. Tanya, *Moralitas Hukum*, (Yogyakarta: Genta, 2014), p. 104.

<sup>7</sup> Tri Ulfi Handayani, and Anis Mashdurohatun, *Urgensi Dewan Kehormatan Notaris Dalam Penegakan Kode Etik Notaris Di Kabupaten Pati*, Jurnal Akta, vol. 5, no. 1, (2018), p. 58.

and values that live within the profession itself, so that it can become a benchmark for the actions of professional group members in seeking to prevent unethical behavior by their members.<sup>8</sup>

Article 67 of the Law on Notary Positions normalizes the existence of a supervisor whose function is to supervise notaries in carrying out their duties, namely the Minister who then forms a Supervisory Council. With the aim that the Notary in carrying out their duties in accordance with the Law on Notary Position and the Notary Code of Ethics. Meanwhile, from an organizational point of view, it also carries out supervision carried out by the Honorary Council as stipulated in Article 1 paragraph 8 of the Notary Code of Ethics. Whereas the Honorary Board is an instrument of association which is formed and functions to uphold the code of ethics, dignity and notary dignity which is independent and free from partiality, in carrying out its duties and authorities in the association.<sup>9</sup>

The existence of the Honorary Board is very necessary so that the notary does not neglect nobility and dignity, violates general regulations or other mistakes in carrying out his position as a notary. The Supervisory Board has the right to supervise the implementation of the code of ethics. One of the duties of the Honorary Council is to examine, provide direction to notaries who deviate from the code of ethics, guidelines and existing regulations and the Honorary Council makes decisions on alleged violations of office provisions and internal codes of ethics.

The main task of the Honorary Council is to supervise the implementation of the code of ethics. If a notary is proven to have violated the code of ethics and regulations regarding the provisions contained in the Law on Notary Office, the notary concerned will be subject to sanctions according to the type of violation committed by the notary. Because it cannot be denied that there are unscrupulous Notaries who often ignore ethics and behavior when carrying out their positions. Forms of violations that are often committed, namely:

1. the parties do not sign before the Notary and the Notary does not read the deed before him;
2. The notary makes a copy of the deed not in accordance with the minutes of the deed.<sup>10</sup>

In addition to these violations, sometimes notaries also violate the notary's code of ethics, as for the forms of violations of the code of ethics committed by notaries, namely:

1. Drawing up of the deed is not in accordance with Law on Notary Position;
2. opening more than one office;
3. the name sign is displayed but is empty;
4. did not read the deed before the parties and the sanctions;
5. make a copy of the deed not in accordance with the minutes.<sup>11</sup>

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<sup>8</sup> Abdulkadir Muhammad, *Etika Hukum Profesi*, (Bandung: Citra Aditya Bakti, 2006), p. 14.

<sup>9</sup> Pengurus Pusat Ikatan Notaris Indonesia, *Jati Diri Notaris Indonesia Dulu, Sekarang Dan Di Masa Akan Datang*, (Jakarta: Gramedia Pustaka, 2009), p. 199-200.

<sup>10</sup> Endang Purwaningsih, *Bentuk Pelanggaran Hukum Notaris Di Wilayah Provinsi Banten dan Penegak Hukumnya*, *Jurnal Mimbar Hukum*, vol. 27, no. 1, (2015), p 21.

<sup>11</sup> Wahyuningsih, *Peran Ikatan Notaris Indonesia (INI) Terhadap Pengawasan Notaris Dalam Pelaksanaan Tugas Jabatan Notaris (studi kasus di Wonogiri)*, (Thesis, Universitas Sebelas Maret, 2016), p. 78

Thus, it is necessary to have a continuous monitoring mechanism by the Honorary Council or the Board of Trustees for notaries.

Based on the problems described above, the authors formulate the problems in this article, namely: 1). What is the role of the Regional Ethics Council in maintaining the honor of the notary office?; 2). How is the supervisory mechanism carried out by the Regional Ethics Council towards Notaries?

## II. METHODOLOGY

The research method in this article is normative juridical, which is legal research that places law as a building system of norms. The norm system in question is regarding the principles, norms, rules of laws and regulations, court decisions, agreements and doctrines (teachings).<sup>12</sup> Types of normative juridical research include legal principles, namely research on written positive laws or research on legal principles that live in society, sources of law, statutory regulations that are scientific theoretical in nature and can analyze the issues discussed, namely the role of the Council Regional Honor in Maintaining the Honor of Notary Office.

## III. THE ROLE OF THE REGIONAL HONOR COUNCIL IN GUARANTEING THE HONOR OF THE NOTARY PROFESSION

As we know that the position of a notary is a position of trust that must be in harmony with those who carry out the duties of a notary's office as a person who can be trusted not as a person who cannot be trusted, so that the position of a notary and his officials must be in line like two sides of a coin that are not separable.<sup>13</sup> A Notary in carrying out his position is subject to and bound by laws and regulations that apply in general in Indonesia as well as those that apply specifically, namely Law Number 2 of 2014 amendment to Law Number 30 of 2004 concerning the position of Notary.

Given the magnitude of the task that is the responsibility of a notary, it is necessary to have a code of ethics as a guide for notaries in behaving and behaving in carrying out their duties. As stated by Herlien Budiono, there are 6 (six) characteristics of notary professional development, including:<sup>14</sup>

1. Honest, independent, impartial and responsible;
2. Giving priority to serving the interests of society and the state;
3. Does not refer to self-interest (disinterestedness);
4. Rationality which means referring to objective truth;
5. functional competence, namely expert in notary affairs; And

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<sup>12</sup> Mukti Fajar Nur Dewata and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif & Empiris*, (Yogyakarta: Pustaka Pelajar, 2010), p. 34.

<sup>13</sup> Habib Adjie, *Hukum Notaris Indonesia (Tafsir Tematik Terhadap UUU No. 30 Tahun 2004 Tentang Jabatan Notaris)*, (Bandung: Refika Aditama, 2008), p. 35.

<sup>14</sup> Herlien Budiono, *Kumpulan Tulisan Hukum Perdata di Bidang Kenotariatan*, (Bandung: Citra Aditya Bakti, 2010), p. 166.

6. Solidarity among colleagues with the aim of maintaining the quality and dignity of the profession

The performance of the notary itself is limited by the applicable regulations, especially the Notary's Office Law and the Notary's Code of Ethics.<sup>15</sup> The code of ethics for notaries has two positions, namely:

1. because of the nature and nature of the notary's work which is highly oriented towards legalization, so that it can become the main legal basis regarding the status of property, rights and obligations of a party using the notary's services.
2. so that injustice does not occur as a result of the granting of the status of property, rights and obligations that are not in accordance with the rules and principles of law and justice, so that it can disrupt the personal rights of justice seekers, the notary world also needs a good and modern professional code of ethics.<sup>16</sup>

While the code of ethics is the role of ethics to create a standard for professionals who are in the organization. Ethics as a standard in the code of ethics can be explained as follows:<sup>17</sup>

1. Ethical standards define and define responsibilities to clients, institutions and society in general.
2. Ethical standards assist professional experts in determining what they should do, if they face ethical dilemmas in their work.
3. Ethical standards allow the profession to maintain the reputation or name and function of the profession in society against the evil behavior of certain members.
4. Ethical standards reflect the moral expectations of the community. Thus, ethical standards guarantee that members of the profession will comply with the professional code of ethics in their service.
5. Ethical standards are the basis for maintaining the behavior and integrity or honesty of professional experts.

The Notary Code of Ethics is a moral principle determined by the Association of Indonesian Notary Associations, hereinafter referred to as the "Association" based on the decision of the Extraordinary Congress of the Indonesian Notary Association in Banten, which must be obeyed by every member of the association.

However, in reality in the field there are still many notaries who violate the provisions of the notary's code of ethics, for example, there are still notaries who provide flower boards that include the name of the notary's position, there are directions that include the name and position of the notary, self-promotion through print media, as well as electronically in terms of giving congratulations, condolences, marketing activities, which includes the name of the

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<sup>15</sup> Riyan Saputra, and Gunawan Djajaputra, *Penegakan Hukum Terhadap Notaris Yang Mempromosikan Diri Melalui Media Sosial*, Jurnal Adigama, vol. 1, no. 1, (2018), p. 1941-1965

<sup>16</sup> Yogi Priyambodo, *Tanggung Jawab Notaris Dalam Pelanggaran Kode Etik Notaris*, Jurnal Officium Notarium, vol. 1, no. 1, (2021), p. 147.

<sup>17</sup> Abdul Ghofur Anshori, *Op. Cit.*, p. 165.

position of notary.<sup>18</sup> For this reason, the notary honorary council is expected to be able to put things in order.

So the Notary Honorary Council has an important role to regulate association members and carry out their functions/positions in accordance with the Notary Ethics Code of the Indonesian Notary Association so that Notaries in assuming and carrying out their duties as public officials, do not violate or violate the applicable code of ethics regulations. Because the presence of the Honorary Board is very much needed by a Notary because it guarantees order and protection in carrying out his profession.<sup>19</sup>

Notaries as public officials need supervision over the enforcement of the Notary's code of ethics because the main duties of a Notary are directly related to the interests of society. Besides that, the position of Notary is also a direct mandate from the government which gives the trust to carry out some of its authority in making authentic deeds. Therefore, the enforcement of the Notary's code of ethics is very important so that the Notary in carrying out his duties and positions is not arbitrary and subject to the applicable rules.

Violations of the code of ethics committed by a Notary can generally be grouped into 2 (two), namely:<sup>20</sup>

1. The element of intent The Notary already knows that what he is doing is violating the code of ethics but he is still doing it.
2. Element of ignorance Violations in this group are usually committed by new Notaries who do not know and understand the rules of the Notary's professional code of ethics.

Violation of the code of ethics can be interpreted as an effort to take action against violations of the code of ethics in order to achieve balance. Forms of action against violators of the code of ethics can be in the form of:<sup>21</sup>

1. Reprimand calls for stopping violations, and do not commit violations again;
2. Exclude the violator from the professional group as a person who is not liked until he becomes aware of his actions;
3. Imposing statutory legal action with harsh sanctions.

The honorary council can seek facts or allegations of violations of the code of ethics by members of the association on their own initiative or after receiving a written complaint from members of the association or other people accompanied by convincing evidence that a violation of the code of ethics has occurred. The code of ethics regulates obligations, prohibitions and exceptions that must be obeyed by every Notary.

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<sup>18</sup> Betty Ivana Prasetyawati, and Paramita Prananingtyas, *Peran Kode Etik Notaris Dalam Membangun Integritas Notaris Di Era 4.0*, Jurnal Notarius, vol. 15, no. 1, (2022), p. 314.

<sup>19</sup> Sugianto, *Efektifitas Kinerja Dewan Kehormatan Wilayah Dalam Membina Dan Mengawasi Notaris (Studi pada Dewan Kehormatan Ikatan Notaris Indonesia Wilayah Jawa Timur*, Jurnal Widya Yuridika, vol. 2, no. 2, (2019), p. 123.

<sup>20</sup> Syarif, *Peran Organisasi Profesi Notaris dalam Menjaga Kode Etik Notaris*, (Thesis, Universitas Indonesia, 2011), p. 5.

<sup>21</sup> Abdulkadir Muhammad, *Op.Cit.*, p. 121

If there is a Notary who violates the provisions of the code of ethics, the Honorary Board will give sanctions to the violator according to the level of error committed. The Notary Honorary Council is expected to play an active role in maintaining the honor of the notary's position by strictly and indiscriminately enforcing the rules of the code of ethics that apply to notaries.

#### IV. SUPERVISION MECHANISM CONDUCTED BY REGIONAL HONORARY COUNCIL ON NOTARY

Notary is a public official, a profession that is directly related to society. Therefore, a Notary must be able to maintain the good name and dignity of the Notary profession before the public. So that a notary code of ethics is made which is useful as a reference or guideline for a notary to be able to behave so that the notary's attitude/action does not deviate from what has been determined in the code of ethics.<sup>22</sup> So that both the notary's position and the notary's personal good name are expected to always be good in the eyes of the public as a public official authorized to make authentic deeds which can be used as evidence if needed one day.

As Abdul Ghofur Anshori's opinion, that a Notary in carrying out his duties and position has responsibilities in two directions, namely:

1. Notaries as a profession are expected to be responsible for the work done and the results. So it is hoped that the notary can work as well as possible and produce something of good quality. In other words, running a profession contains demands for quality results. Quality has several facets. The notary must make sure that the notary masters his duties as well as possible, so that the notary is competent. Notaries must continuously improve their mastery of the profession they run. How to work must be effective and efficient. The results of the work must be at least as expected by the client, but efforts must be made to make it even better.
2. Notaries must be responsible for the impact of work on other people's lives. What needs to be considered here, among other things, is the impact of practicing the profession on the interests of clients and the impact on regional, national and state interests. Everything needs attention.<sup>23</sup>

The severity of this responsibility requires that a notary must also comply with the code of ethics of the notary profession, especially in matters that are prohibited from being carried out by a notary as stipulated in Chapter III Article 4 of the Code of Ethics, namely:

1. Have more than 1 office, both branch and representative offices;
2. Put up a nameplate and/or writing that reads "Notary/Notary Office" outside the office environment
3. Carry out self-publication or promotion, either individually or jointly by including their name and position, using print and/or electronic media in the form of:
  - a. Advertisement.
  - b. Congratulations.
  - c. Condolences.

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<sup>22</sup> Freddy Haris, and Leny Helena, *Notaris Indonesia*, (Jakarta: Lintas Cetak Djaja, 2017), p. 34.

<sup>23</sup> Abdul Ghofur Anshori, *Op. Cit.*, p. 61.

- d. Thank-you note.
  - e. marketing activities.
  - f. Sponsorship activities, both social, religious and sports.
4. Cooperate with service bureaus/people/legal entities which essentially act as intermediaries to seek or obtain clients;
  5. Signing a deed that has been prepared by another party;
  6. Asking the client for minutes to be signed;
  7. Trying or trying in any way so that a person moves from another notary to him, whether the effort is directed directly to the client concerned or through another person's intermediary;
  8. Force the client by withholding the documents that have been submitted and or applying psychological pressure with the intention that the client continues to make the deed to him;
  9. Carrying out efforts, both directly and indirectly, which lead to the emergence of unfair competition
  10. Determine the honorarium that must be paid by the client in a lower amount than the honorarium that has been determined by the association;
  11. Intentionally employing people who are still employees of another notary's office without prior approval from the notary concerned;
  12. To discredit or criticize other notary partners or deeds made by them in the event that a notary confronts and or finds a deed made by a colleague which turns out to contain serious errors and/or endangers the client, then the notary is obliged to notify the colleagues above the mistakes he made;
  13. Not carrying out obligations and violating the prohibitions as referred to in the code of ethics;
  14. Form groups of colleagues that are exclusive with the intention of serving the interests of other agencies or institutions, moreover closing the possibility for other notaries outside their group to participate
  15. Include titles that are not in accordance with statutory regulations
  16. Making deeds exceeding the reasonable limit, the amount of which is determined by the honorary council
  17. Participate in an auction to get a job making a deed

Everything regulated in the prohibition is a source of violation for a notary to be prosecuted and ethically sanctioned by the Notary Honorary Council, hereinafter referred to as DKN. If one examines the entire prohibition regulated in the code of ethics, the scope of the prohibition mostly prohibits a notary from carrying out promotions and publications related to his office and position as a notary<sup>24</sup>. Even though there are rules prohibiting the behavior of a notary as stated in the code of ethics above, until now there are still many notaries who commit violations.

Article 1 paragraph (8) of the INI Notary Code of Ethics confirms that if a notary commits a violation of the code of ethics, it will be followed up by the enforcers of the INI Notary Code of Ethics, namely the Notary Honorary Council. Supervision of notaries in the INI Notary Code of Ethics, is regulated in Article 7 of the INI Notary Code of Ethics which contains an

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<sup>24</sup> Sjaifurrachman, *Aspek Pertanggungjawaban Notaris Dalam Pembuatan Akta*, (Bandung: Mandar Maju, 2017), p. 23.



institution that can supervise notaries, namely the Honorary Council. However, the provisions of the next article do not explain in detail how the powers and obligations of the Honorary Council are. The practice that occurs in the field, the Ethics Council only receives reports from the public.<sup>25</sup>

If it is true that there has been a violation committed by a notary, the Honorary Council will take action and impose sanctions. Sanctions given to notaries who commit violations are in the form of:

1. Reprimand;
2. Warning;
3. Temporary suspension of Association membership;
4. Honorable termination of Association membership; and
5. Dishonorable termination of Association membership.

The central honor council has the authority to impose these sanctions on a notary who is legally proven either intentionally or unintentionally to have violated the notary's code of ethics, the notary's code of ethics which is a written rule that must be carried out or carried out by a notary in order to create harmony among notaries<sup>26</sup> so that no there is friction between people which will create a bad image of the notary profession in the eyes of the public.

The honorary council in terms of enforcing the sanction of the code of ethics for notaries is expected to always play an active role so as not to cause things that can tarnish the good image of the notary's position such as the problems above. For this reason, a solid, strong and firm-minded Honorary Board and Supervisory Board of Notaries<sup>27</sup> are needed so that they remain focused and are not swayed by inducements in carrying out their duties. The authority of the notary honorary council for violating the sanction of the notary code of ethics that has been contained in the articles of association and bylaws as well as the code of ethics of the Indonesian Notary Association.

The regional/regional honor council<sup>28</sup> may impose the sanctions contained in Article 6 paragraph (1) of the articles of association of the Indonesian Notary Association the extraordinary congress of the Indonesian Notary Association, the decision on sanctions given by the regional/regional honor council in Article 6 paragraph (1) letter c ,d,e the articles of association of the Indonesian Notary Association, the extraordinary congress of the Indonesian Notary Association can be appealed to the central honorary council, and the first decision of the central honorary council on these matters, if deemed detrimental, can also be appealed back to the congress.

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<sup>25</sup> A. Yulia, *Profesi Notaris di Era Industrialisasi dalam Perspektif Transendensi Pancasila*, Law and Justice, vol. 4, no. 1, (2019), p. 59.

<sup>26</sup> Wiwin Musdiyanti, et. al., *Etika Dan Pertanggungjawaban Moral Profesi Notaris (Kajian Undang-Undang No. 2 Tahun 2014 dan Kode Etik Notaris Tahun 2015)*, Otentik's: Jurnal Hukum Kenotariatan, vol. 4, no. 1, (2022), p. 12.

<sup>27</sup> Didit Wardio and Latifah Hanim, *Peranan Majelis Pengawas Daerah (MPD) Terhadap Pengawasan Pelaksanaan Tugas Jabatan Notaris di Kabupaten Sleman*, Jurnal Akta, vol. 5, no. 1, (2018), p. 56.

<sup>28</sup> Tiara Hasfarevy, *Peran Dewan Kehormatan Daerah dalam Penyelesaian Pelanggaran Kode Etik Notaris di Kota Pekanbaru*, Recital Review, vol. 3, no. 1, (2021), p. 49.

The honorary council, in this case the institution that has full authority to examine and sanction notaries who violate the code of ethics, has the following roles:

1. The honorary council looks for facts regarding alleged violations committed by a notary who is suspected of having committed an act that violates the code of ethics;
2. The honorary council imposes sanctions against a notary who violates the code of ethics in accordance with the mistakes he made found in the facts known to the honorary council.

The notary's honorary council cannot give punishment or sanctions to the notary directly, this must go through several processes or stages so that the decision can be final and binding.<sup>29</sup> Regarding the implementation mechanism for imposing sanctions on a notary, it is contained in the notary's code of ethics and notary's articles of association.

When suspected of having committed an act that violates the code of ethics or reports of a violation of the code of ethics, what must be done by the notary's honorary council is to examine the facts, then the notary's honorary council, hereinafter referred to as DKN, will then ask for an explanation from the notary who is suspected of committing the act. actions that are contrary to the code of ethics, this is done no later than 14 working days before the inspection date.

The notary who is summoned for the purpose of explaining the alleged violation he has committed is expected to attend according to a predetermined schedule, but if the person concerned is absent intentionally or due to absence, a second summons will be made no later than 14 days after the first summons, summons to a notary who is absent is made a maximum of 3 (three) summons, if the person concerned does not also heed the summons made, the honorary council can immediately hold a hearing and impose sanctions as stipulated in Article 6 of the Notary Code of Ethics.

After an examination and trial, if it is proven that the person concerned has not committed any violation then the person concerned<sup>30</sup> will have his name cleared by issuing a letter by the notary honorary council who examined the case, but if proven guilty then the DKN is obliged to send a decision letter to the notary who is proven to have committed the violation by copies to central administrators, central DKN, regional administrators, regional DKN, regional administrators, regional DKN.<sup>31</sup>

Based on Article 9 point 10 Changes to the Notary Code of Ethics based on an extraordinary congress of the Indonesian Notary Association The decision on sanctions given in the congress must be notified by the congress to the notary being examined, the honorary council in

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<sup>29</sup> Theo Anugrah Pakarti, and Daly Erni, *Jabatan Notaris Dan Kode Etik notaris: Bagaimana peran dan fungsi Dewan kehormatan notaris*, Jurnal Kertha Semaya, vol. 10, no. 7, (2022), p. 1669.

<sup>30</sup> Ria Trisnomurti, and I Gusti Bagus Suryawan, *Tugas, Fungsi Majelis Pengawas Daerah Dalam Menyelenggarakan Pengawasan, Pemeriksaan, Dan Penjatuhan Sanksi Terhadap Notaris*, Jurnal Notariil, vol. 2, no. 2, (2017), p. 123.

<sup>31</sup> Zul Fadli, *Membedah Kode Etik Baru*, Renvoi, Januari 3, 2016, p. 65.

examining and deciding on the hearing must comply with the matters regulated in the Notary Association's Code of Ethics In Indonesia these are:

1. Continue to respect and uphold the dignity of the person concerned;
2. Always maintain a family atmosphere;
3. Keep everything found secret.

So that when examining a notary who is suspected of committing an offense, he is indirectly accused of committing an offense because it is still questionable whether in fact the notary committed an offense or not, because the principle of presumption of innocence must still be applied.<sup>32</sup>

If the notary who has been sentenced has objected to the decision that has been given, an appeal can be made 30 working days after the date of receipt of the first sanction decision. The central DKN is not later than 30 working days after carrying out the final examination, it is obliged to provide an appeal decision, if the party summoned does not come at the time of the summons, the DKN will still give its decision, after the appeal decision is made, the Central DKN sends the results of the decision to the party being examined with registered letter within a period of no later than 14 working days after the decision is made.<sup>33</sup>

Based on this mechanism, it is hoped that the DKN will be able to make wise decisions in accordance with the facts and evidence obtained during the trial, this trial will be held behind closed doors, but the trial decision will be read out openly so that it is hoped that the decision can be heard and known by all members.

## V. CONCLUSION

The Honorary Council plays a very important role in efforts to enforce the provisions of the Notary's Code of Ethics. And has the authority to examine and impose sanctions on violations of the notary's code of ethics that have been contained in the articles of association, notary's bylaws and notary's code of ethics. The existence of the Notary Honorary Board is in line with the theory of legal protection where legal protection is an attempt to provide protected rights in accordance with the obligations that must be carried out. So the existence of the Notary Honorary Council should be further strengthened by carrying out preventive actions before violations of the notary's code of ethics occur, and tightening supervision from all internal control stakeholders, which aims to protect all the dignity and dignity of the notary profession, so that in this way violations of the code of ethics can be punished. minimalize. On the other hand, there is a need for outreach to the wider community regarding the existence of a Notary Honorary Council.

The implementation of imposing sanctions on a notary suspected of violating the code of ethics is not carried out immediately, imposing sanctions is given after the procedures for imposing sanctions are carried out, whether it is an examination, calling the person concerned to hear his defense or explanation, and the person concerned can also file an appeal to the DKN that

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<sup>32</sup> H. Sulihandari, and N. Rifiani, *Prinsip-Prinsip Dasar Profesi Notaris*, (Jakarta: Dunia Cerdas. 2013), p. 45.

<sup>33</sup> Jimly Asshiddiqie, *Peradilan Etik Dan Etika Konstitusi*, (Jakarta: Sinar Grafika, 2014), p. 34.

decides the case or to the central DKN directly. After an appeal, then the decision will become final, but if within 30 working days the person concerned does not file an appeal, the first decision will immediately become the decision given to the person concerned or the first decision will become the final decision. The Notary Honorary Council as an institution for enforcing the Notary's code of ethics throughout Indonesia still needs to be made effective, and this is always being improved and active from the Central Honorary Council to the Regional Honorary Council.

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