

The Legal Settlement of Notary's Professional Violation as Land Mafia

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Abstract. *This research discusses the legal settlement of notaries who commit professional violations with the aim of analyzing and explaining the legal settlement process of notaries who violate the law and the impact of deeds that are proven to violate the law as a land mafia. The type of research conducted is normative research or doctrinal research. The result of this research is that the Notary in making the deed must be responsible for the form of the deed, must not deviate from the provisions stipulated in the Notary Position Law. Some common reasons that can cause the cancellation of an agreement: incompetence, invalidity, error, deceit, violence, law or power. The validity of the deed generally depends on if the notary is involved in a violation of the law, the aggrieved party or the authorities can take legal steps to review and cancel or correct the deed made by the Notary.*

Keywords: Deed; Land; Mafia; Notary.

1. Introduction

Notary can be defined as a public official who is authorized by the state to make authentic deeds, provide legal validity to certain documents, and carry out several other legal duties¹. Notaries are public officials who are authorized to make authentic deeds, which have perfect evidentiary power, carry out certain legal duties such as making agreements, wills, and other legal documents and guarantee the validity and legal certainty of the documents they make².

A notarial deed obtains a seal of authenticity, according to the provisions of Article 1868 of the Civil Code if the deed in question meets the requirements: a) the deed

¹ Tedjosaputro. (2021a). *Keadilan Bagi Ahli Waris: Hukum Waris Dari Sudut Pandang Hukum Perdata (Burgerlijke Wetboek)*. Butterfly Mamoli Press.

² Tedjosaputro. (2021b). *Keadilan Dan Masyarakat Aplikasi Hukum Profesi Notaris Dalam Kehidupan*. Butterfly Mamoli Press.

must be made by or before a public official. b) the deed must be made in the form prescribed by law. c) the public official by or before whom the deed is made, must have the authority to make the deed.

A deed can be called an authentic deed as stated in Article 1868 of the Civil Code if it is made in accordance with the law, made before a public official, the official in question must be authorized by the place where the deed was made, the day and date of the deed.

Notaries in carrying out their functions and responsibilities often experience problems or obstacles. There was a case where two inactive notaries Faridah and Ina Rosaina were sentenced to 2 years and 8 months in prison in a land mafia case reported by Nirina Zubir. In addition, the defendant Erwin Riduan who was also an inactive notary was sentenced to 2 years in prison. The court stated that the defendant Faridah and the defendant Ina Rosaina had been proven legally and convincingly guilty of committing the crime of jointly forging authentic deeds and money laundering,

Notaries act as independent and neutral witnesses in various legal transactions. They must perform their duties with good faith, objectivity, and integrity. Law No. 2 of 2014 on the Amendment to Law No. 30 of 2004 on the Position of Notary regulates the functions of notaries³. Article 15 explains that notaries function to provide legal certainty by making authentic deeds. An authentic deed is a deed made by a notary based on legal authority and has perfect evidentiary power⁴.

Legal liability theory refers to the principles and concepts that govern the responsibility of individuals or groups for the legal actions or decisions they take⁵. There are several theories and principles that guide legal liability, and their relationship with the legal profession can be reflected in various aspects.

The principles of professional responsibility in the legal profession include compliance with laws and regulations, provision of quality services to clients, and integrity in the justice system. Legal liability theory helps shape the ethical standards on which professional responsibility is based⁶.

³ Salim, H. (2019). *Peraturan Jabatan Notaris*. Sinar Grafika.

⁴ Salsa, S. N. (2020). *Hukum Pengawasan Notaris Di Indonesia Dan Belanda*. Prenada Media.

⁵ Septiarianti, S. & S. A. (2020). Pertanggungjawaban Notaris Dalam Pembuatan Akta Pengikatan Jual Beli. *Jurnal Interpretasi Hukum*, 1(1), 143–147.

⁶ K.Lubis, F. W. & S. (2021). *Etika Profesi Hukum*. Sinar Grafika (Bumi Aksara).

The notary profession has an important role in carrying out its duties related to property transactions and other legal documents, especially in the context of land ownership. The implementation of the theory of legal liability for the notary profession, especially in its capacity as a land mafifa (official who makes land deeds), involves a number of principles and responsibilities.⁷

When notaries act in accordance with these principles, they help ensure the integrity of and public trust in the legal system and property transactions. The implementation of the theory of legal liability is an important mechanism to maintain the quality and sustainability of the notary profession as a land mafifa.

Notaries in making their deeds must be responsible for the form of the deed, must not deviate from the provisions stipulated in the Notary Position Law, and the form of the notarial deed is regulated in Article 38 of Law Number 30 of 2004 concerning Notary Position as amended by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2014 concerning Notary Position.

Law enforcement and the legal profession have an important relationship in maintaining fairness, compliance with the law, and the integrity of the legal system as a whole. Law enforcement has a key role in ensuring that the legal profession, including lawyers and notaries, comply with the law and ethics⁸. They can conduct investigations and checks on practices that may violate legal provisions or professional ethics.

It is important to strike the right balance between strict law enforcement and maintaining the independence of the legal profession. A healthy system requires cooperation between the two entities to achieve the common goals of maintaining justice, security and compliance with the law.⁹

This study has differences with previous research conducted by that the flow of action of the land mafia is starting from the original owner gets a large down payment, then submit the original certificate to a fake notary, fake certificates by certificate forgers handed over to the original owner while the original is handed over to the mafia, then the original certificate is handed over by the mafia to a fake notary and / or PPAT, the notary takes care of the name transfer process to the BPN

⁷ Wajdi & K. Lubis. (2021). *Etika Profesi Hukum: Edisi Revisi*. Sinar Grafika.

⁸ Tumangger, D. D. G., & Santoso, B. (2023a). Penegakan Hukum Terhadap Praktik Mafia Tanah Sebagai Pembuat Sertifikat Fiktif. *Notarius*, 16(2), 776–794. <https://doi.org/10.14710/nts.v16i2.41030>

⁹ Tumangger, D. D. G., & Santoso, B. (2023a). Penegakan Hukum Terhadap Praktik Mafia Tanah Sebagai Pembuat Sertifikat Fiktif. *Notarius*, 16(2), 776–794. <https://doi.org/10.14710/nts.v16i2.41030>

which is then handed over again to the notary, then handed over to the mafia, the mafia pawn or sell the original certificate and get money. Law enforcement is done by forming a group to eradicate the land mafia movement and checking the authenticity of land certificates.

Different research was conducted by ¹⁰ The land mafia can disrupt legal order and hinder development, because the crimes committed include land cases with broad dimensions that result in disputes, conflicts, and land and space cases that have high economic value. The existence of land cases, namely land disputes and land conflicts, creates the impression that land, which is expected to be a source of prosperity and welfare for the people, seems to have turned into a source of triggering disputes and conflicts for the community in which there is a land mafia crime, where the community itself is a victim. The reality of the number and development of land disputes and land conflicts is an impact on the existence of the land mafia.

The researcher conducted an analysis related to the process of resolving notary law violations in the aspect of criminal offenses consisting of the Supervisory Assembly, the Notary Supervisory Board, the notary code of ethics regulations and their implementation. The handling of criminal offenses committed by notaries, including land mafia cases, involves various stages and legal processes. Each country has a different legal system, and the process may vary depending on the jurisdiction where the notary operates.

Based on the explanation in the background, the researcher will conduct research and analysis of the land mafia committed by notaries. The researcher chose the title "Legal Settlement of Violation of Notary Profession as Land Mafia".

The problems to be investigated in this study are summarized as follows: 1) How is the legal settlement process of notaries who violate the law? 2) What is the impact of the deed of a notary who is proven to violate the law as a land mafia?

The purpose of this study is to analyze and explain the legal settlement process of notaries who violate the law and to analyze and explain the impact of deeds from notaries who are proven to violate the law as land mafia.

2. Research Methods

¹⁰ Wirawan, V. (2020). Sengketa Tanah Dan Konflik Tanah: Dampak Munculnya Mafia Tanah. *Jurnal Hukum Ius Publicum*, 1(1), 98–108. <https://doi.org/10.55551/jip.v1i1.74>

The type of research conducted by the author is normative research or also known as doctrinal research. Normative legal research does not recognize field legal research (*fieldsearch*). Doctrinal legal research is a science that examines law, conceptualized and developed based on the doctrine used by the author. Normative legal research is doctrinal legal research or commonly called library legal research, which focuses on the study of primary and secondary legal documents.¹¹

The statutory approach is a method that uses a statutory approach, because what is studied is the legal settlement process of notaries who violate the law and the impact of deeds from notaries who are proven to violate the law as a land mafia. Data analysis in this research uses qualitative analysis, namely non-numerical data obtained from observations or written documents (laws, documents, books, etc.).

3. Results and Discussion

3.1. The Process of Legal Settlement of Notaries Who Commit Violations of the Law

The handling of criminal offenses by notaries involves a process at the level of the board of assembly and the supervisor of notaries. The process begins when there is a report or complaint regarding a criminal offense committed by a notary public. These reports can come from aggrieved parties, authorities, or other parties who know or suspect illegal activities. An initial investigation is conducted to gather evidence and information related to the criminal offense.

Many countries have notary boards or notary supervisory bodies that are responsible for supervising and assessing the behavior of notaries. These boards usually consist of fellow notaries and individuals with legal expertise. When a criminal offense is reported, the board will initiate an internal investigation to assess the credibility of the report and gather further information.

If the internal investigation finds sufficient evidence to support a criminal offense, the board or supervisor of notaries may file a formal complaint against the notary in question. This complaint can be brought to the court or authorized legal body for further processing. Land mafia criminal cases involving notaries will then be tried in court. This process involves the presentation of evidence, trial, and legal defense from the notary. The court will make a decision based on the facts and law

¹¹ Djulaeka & Rahayu. (2020). *Buku Hukum tentang Buku Ajar Metode Penelitian Hukum* (1st ed.). Scopindo Media Pustaka PT.

presented.

If a notary is found guilty, the notary's board of assembly or supervisor may impose disciplinary sanctions. Such sanctions may include license revocation, fines, or other disciplinary actions. In addition, the notary may also be subject to civil prosecution, which may involve damages to the aggrieved party. Once the legal proceedings are over, the board or supervisor of notaries may continue to supervise the sanctioned notary. The aim is to ensure that the notary complies with the rules and ethics of the profession after the incident.

The process of making a deed by a notary involves several stages that include examining the documents, identifying the parties involved, making the deed, and other steps to ensure the validity and legal certainty of the document.¹² Here is a general summary of the deed-making process by a notary:

1. Initial Meeting
2. Identity and Legal Eligibility Check
3. Document Check
4. Explanation of Deed Contents
5. Deed Signing
6. Deed Recording
7. Delivery of Deed Copies
8. Document Archiving

Each step in the deed-making process is carried out with good faith and accuracy to ensure the validity and legal certainty of the document. Notaries are responsible for ensuring that this process is conducted in accordance with ethical standards and applicable legal regulations.

In general, regulations related to the duties and authority of notaries are regulated

¹² Aman. (2019). Perlindungan Hukum Notaris Dalam Melaksanakan Rahasia Jabatan. *Recital Review*, 1(2), 59–71.

in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position. Some articles that regulate the authority of notaries in making deeds under the law include:

1. Article 15: General Authority of Notaries: This article states that notaries are authorized to make authentic deeds for legal events required or requested by the parties concerned, and to make other deeds to the extent required by law.
2. Article 16: Authentic Deed: This article states that deeds made by notaries are authentic, binding on the parties, and can be used as evidence in court.
3. Article 23: Power of Attorney to Settle Disputes" This article authorizes notaries to settle disputes arising in the process of making deeds.

According to Article 15 paragraph (2) of Law Number 30 of 2004 concerning Notary Position as amended by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2014 concerning Notary Position, Notary is also authorized:

1. certify the signature and establish the certainty of the date of the underhand letter by registering it in a special book;
2. record underhand letters by registering them in a special book;
3. to make *copies of* the originals of letters under hand in the form of copies containing the description as written and described in the letter concerned;
4. attesting that the photocopy matches the original letter;
5. provide legal counseling in connection with the making of deeds;
6. make deeds relating to land, and
7. make a deed of minutes of auction.

Article 15 paragraph (3) of Law Number 30 of 2004 concerning the Position of Notary as amended by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2014 concerning the Position of Notary states that in addition to the authority mentioned above, notaries have other powers regulated in the legislation. As explained above, the main authority of a notary is to make authentic deeds that function as perfect evidence.

A notarial deed obtains a seal of authenticity, according to the provisions of Article 1868 of the Civil Code if the deed in question meets the requirements: a) the deed must be made by or before a public official. b) the deed must be made in the form prescribed by law. c) the public official by or before whom the deed is made, must have the authority to make the deed.

A deed can be called an authentic deed as stated in Article 1868 of the Civil Code if it is made in accordance with the law, made before a public official, the official in question must be authorized by the place where the deed was made, the day and date of the deed.

Notaries in making their deeds must be responsible for the form of the deed, must not deviate from the provisions stipulated in the Notary Position Law, and the form of the notarial deed is regulated in Article 38 of Law Number 30 of 2004 concerning Notary Position as amended by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Position.

Legal violations committed by notaries in the making of deeds can include a number of situations where notaries do not comply with their obligations in accordance with applicable legal regulations¹³. Some common violations of law related to notaries may include:

1. Document Forgery

Notaries who commit forgery or falsify information or documents in the preparation of deeds may be involved in serious offenses.

2. Not Following Legal Procedures

Notaries have an obligation to follow established legal procedures in the creation of deeds. Violations may occur if the notary does not comply with these procedures.

3. Neutrality

Notaries are expected to be neutral and impartial when making deeds. If the notary is proven to be partial or has a conflict of interest that is not clearly disclosed, this can be considered a violation.

¹³ Pertiwi, S. M. (2017). Tanggung Jawab Notaris Terhadap Akta Otentik Yang Berakibat Batal Demi Hukum Pada Saat Berakhir Masa Jabatannya. *Acta Comitatus*, 2, 247–257.

4. Not Providing Clear Information

Notaries have an obligation to provide clear information to the parties involved in making the deed. If a notary does not convey relevant information or provides an inadequate explanation, this may be considered negligence and an ethical violation.

5. Deed Making Without Authority

Notaries can only make deeds within the limits of their authority set by law. If a notary makes a deed outside of his authority, this is a violation of the law.

6. Non-compliance with Professional Ethics

Breaches of professional ethics, such as violations of the notary code of conduct, can result in legal action. This includes unethical behavior that harms the integrity of the notary.

7. Does not maintain confidentiality

Notaries have an obligation to maintain the confidentiality of information obtained during the deed-making process. Violation of confidentiality can be a serious offense.

8. Document Errors or Inaccuracies

Errors or inaccuracies in documents created by a notary can be considered a violation if they are caused by his negligence or negligence.

Article 13 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02.PR.08.10 TAHUN 2004 on the Procedures for Appointing Members, Dismissing Members, Organizational Structure, Work Procedures, and Examination Procedures of the Notary Supervisory Council has stated the authority and procedures for examining and supervising Notaries:

1. "The administrative powers of the Regional Supervisory Assembly are exercised by the chairperson, deputy chairperson, or one of the members, who is authorized by resolution of the Regional Supervisory Assembly meeting.

2. The authority as referred to in paragraph (1) includes:

a. Grant leave for a period of up to 6 (six) months;

- b. Assigning a substitute notary;
- c. Determining the place of storage of the Notarial Protocol which at the time of the handover of the Notarial Protocol is 25 (twenty five) years old or more;
- d. Receive reports from the public regarding alleged violations of the Notary Code of Ethics or violations of the provisions in the Law;
- e. To initial and sign registers of deeds, registers of notarized underhand letters, registers of recorded underhand letters, and other registers required by law;
- f. Receive delivery in writing of a copy of the register of deeds, register of notarized letters under hand, and register of notarized letters under hand that he has notarized, made in the previous month no later than 15 (fifteen) calendar days in the following month, which contains at least the number, date, and title of the deed."

Article 15 also explains:

1. "The Regional Supervisory Council before conducting a periodic examination or examination at any time deemed necessary, by first notifying in writing to the Notary concerned no later than 7 (seven) working days before the examination is carried out.
2. The notification letter as referred to in paragraph (1) shall include the time, day, date, and name of the member of the Regional Supervisory Panel who will conduct the examination.
3. At the appointed time for inspection, the Notary concerned must be in his/her office and prepare all Notary Protocols. The aforementioned articles that mention the procedures for the supervision of Notaries by the Regional Notary Supervisory Council do not mention that there is an inspection up to the social media accounts or internet sites owned by a Notary. Administrative inspection only covers matters related to what can be seen when visiting the Notary's office."

The process of handling notarial law violations by the Regional Supervisory Board may involve several stages and procedures that are based on the code of ethics and applicable regulations. In the Indonesian context, the Notary Supervisory Board (DPN) is the institution responsible for overseeing the behavior and ethics of notaries.

The process begins when the Regional Supervisory Board receives a report or complaint regarding a violation of law or ethics committed by a notary public. This complaint may come from a party who feels aggrieved or a party who is aware of the violation. The Regional Supervisory Board conducts an initial examination of the report or complaint received. This involves evaluating the available evidence and information to determine if there are grounds to proceed further.

If there are sufficient indications of misconduct, the notary public concerned is notified and given the opportunity to provide a response or clarification to the allegations raised. The Regional Supervisory Board may conduct a follow-up examination that involves a more detailed investigation. This may include interviews with relevant parties, examination of documents, and collection of additional evidence.

If sufficient evidence is found, the Regional Supervisory Board may organize an ethics hearing to discuss the offense committed by the notary. The notaries concerned may be confronted with the evidence and give their explanations or defenses. After the ethics hearing, the Regional Supervisory Board will make a decision. Possible sanctions include warnings, administrative sanctions, or other sanctions according to the level of the offense committed.

If the offense committed by the notary is considered serious, the Regional Supervisory Board can report the case to the Notary Supervisory Board (DPN). The DPN has the authority to impose further sanctions, including revocation of the notary's license. Decisions and sanctions given can be announced publicly to maintain transparency and integrity of the notary profession.

3.2. The Impact of Deeds from Notaries Proven to Violate the Law as Land Mafia

Government Directive No. 24/1997 on Arrival Registration was created as a policy to reduce the debate on arrivals in Indonesia. One of them is the creation of fake certificates caused by components that commit arrival fraud or the arrival mafia¹⁴. This consideration aims to determine the instruments of mafia crime activities and the legitimate actions that the government can take in addressing mafia crime cases.¹⁵

¹⁴ Tumangger, D. D. G., & Santoso, B. (2023a). Penegakan Hukum Terhadap Praktik Mafia Tanah Sebagai Pembuat Sertifikat Fiktif. *Notarius*, 16(2), 776–794. <https://doi.org/10.14710/nts.v16i2.41030>

¹⁵ Tumangger, D. D. G., & Santoso, B. (2023b). Penegakan Hukum Terhadap Praktik Mafia Tanah Sebagai Pembuat Sertifikat Fiktif. *Notarius*, 16(2), 776–794. <https://doi.org/10.14710/nts.v16i2.41030>

The stages of action of this mafia of migrants start from the initial owner gets a very large down payment, then submits confirmation to a fake legal official, a fake certificate by a forger hands over to the initial owner while the initials are given to the mafia, then the initial certificate is handed over to a legal official and a fake PPAT, a public accountant takes care of the transfer of property rights to the BPN which is then handed over to a legal official, then handed over to the mafia, the mafia offers the first certificate and gets cash.¹⁶

According to Article 16 paragraph (1) of Law Number 2 of 2014 Amendment to Law Number 30 of 2004 Concerning the Position of Notary: In carrying out his/her position, a notary must:

1. Act trustworthy, honest, careful, independent, impartial, and safeguard the interests of parties involved in legal actions;
2. Make deeds in the form of deed minutes and keep them as part of the notary protocol;
3. Attaching letters and documents as well as the fingerprints of the signatories to the minutes of the deed;
4. Issuing a *grosse* deed, copy deed, or deed quotation based on the deed minutes;
5. Provide services in accordance with the provisions of this law, unless there is a reason to refuse;
6. Keep secret everything about the deed he makes and all information obtained for the purpose of making deeds in accordance with his oath / pledge of office, unless the law provides otherwise;
7. Binding the deeds made in 1 (one) month into books containing no more than 50 (fifty) deeds, and if the number of deeds cannot be contained in one book, the deeds may be bound into more than one book, and recording the number of deed minutes, month, and year of making on the cover of each book;
8. Make a list of protest deeds against non-payment or non-receipt of securities;

¹⁶ Tumangger, D. D. G., & Santoso, B. (2023b). Penegakan Hukum Terhadap Praktik Mafia Tanah Sebagai Pembuat Sertifikat Fiktif. *Notarius*, 16(2), 776–794. <https://doi.org/10.14710/nts.v16i2.41030>

9. Make a list of deeds relating to wills in the order in which the deeds are made every month;
10. Send the list of deeds as referred to in letter (i) or the nil list relating to wills to the central register of wills at the ministry that organizes government affairs in the field of law within 5 (five) days of the first week of the following month;
11. Record in the *repertorium* the date of delivery of the register of wills at the end of each month;
12. Has a stamp or seal containing the symbol of the Republic of Indonesia and in the space around it is written the name, position, and place of residence concerned;
13. Read out the deed in the presence of the confronter in the presence of at least 2 (two) witnesses, or 4 (four) witnesses specifically for the making of a deed of will under hand, and signed at that time by the confronter, witnesses, and notary;
14. accepting apprenticeship of prospective notaries.

The validity of a deed made by a notary can be taken into consideration if the notary is proven to have violated the law. In some cases, a violation of the law by a notary can affect the validity and evidentiary power of the deed he or she makes¹⁷. Here are some things that need to be considered:

1. Authentic Deed and Perfect Evidentiary Power: Deeds made by notaries are generally considered authentic deeds, which have perfect evidentiary power in accordance with the law. However, the validity of this deed remains dependent on the notary's compliance with legal and ethical procedures.
2. Effect of Legal Violations: If a notary is found to have committed a violation of the law, it may be grounds to question the validity of the deed he or she created. Certain offenses, such as forgery or fraud, can compromise the integrity and validity of legal documents.
3. Follow-up Legal Examination: If a notary is involved in a violation of the law, the legal authority or supervisory body of the notary may conduct a follow-up

¹⁷ Pertiwi, S. M. (2017). Tanggung Jawab Notaris Terhadap Akta Otentik Yang Berakibat Batal Demi Hukum Pada Saat Berakhir Masa Jabatannya. *Acta Comitatus*, 2, 247–257.

examination. During this examination, the validity of the deeds made by the notary may be further examined.

4. Revocation of Notary License: If a notary's violation of the law reaches a serious level, the competent authority may revoke the notary's license. The revocation of this license may affect the validity of the deeds made by the notary.

5. Correction or Restoration: Depending on the nature of the breach of law and its implications for the deed, corrective or remedial action may be required. This may involve redrafting the deed or other legal action to rectify the situation¹⁸.

The validity of a deed generally depends on the notary's compliance with the legal requirements applicable at the time of its creation. If a notary is involved in a violation of the law, the aggrieved party or the authorities may take legal steps to review and, if necessary, cancel or correct the deed made by the notary¹⁹.

Notarial deeds are the perfect, strongest, and most complete evidence, so they not only guarantee legal certainty but also avoid disputes. However, in practice, disputes often arise because of notarial deeds. Notaries can be held accountable for their actions in making authentic deeds that are not in accordance with applicable provisions or are carried out against the law. Based on the Supreme Court Decision Number 1003 K/PID/2015 jo Decision of Pekanbaru District Court Number 247/Pdt.G/2016/PN.Pbr, Notarial deed No. 149 dated March 30, 2011 was declared valid and valuable before the law, but in terms of its evidentiary power, it was reduced from an authentic deed to a deed under the hand because it violated Articles 48, 49, 50, and 51 of the Notary Law on Investigators. Second, Notary's legal obligations towards deeds containing fraud include criminal, civil, and administrative responsibilities.²⁰

Legal regulations relating to the legal consequences of a deed that in its making violates the provisions of the applicable laws and regulations result in the Notary deed can be submitted for cancellation, because it is an action that contains procedural defects, then the legal consequences of the Notary deed become:

¹⁸ Lukman & Arsin. (2023). Kajian Hukum Notaris Pensiun Yang Belum Menyerahkan Protokol Notaris Kepada Notaris Pemegang Protokol Studi Kasus Notaris Pensiun Di Jakarta. *Imanot: Jurnal Kemahasiswaan Hukum & Kenotariatan*, 2(2).

¹⁹ Rasta, G. N. (2014). *Perlindungan Hukum Bagi Notaris Untuk Menjaga Kerahasiaan Isi Akta Yang Diperbuatnya Dalam Perkara Pidana (Studi Di Pematangsiantar)*. Universitas Sumatera Utara Medan.

²⁰ Arlingga, D. D. (2017). Keabsahan Akta Autentik yang Mengandung Unsur Tindak Pidana Pemalsuan. *Jurnal Lex Renaissance*, 2(2). <https://doi.org/10.20885/JLR.vol2.iss2.art3>

1. Revocable (*vernietbaar*).
2. Null and void (*nietigheid van rechtswege*).
3. Has the evidentiary power of a deed under hand.
4. Canceled by the parties themselves.
5. Canceled by a court decision that has permanent legal force due to the application of the principle of legal presumption.

Based on the Indonesian Civil Code (KUHPerdata), there are several reasons that can be the basis for the cancellation or annulment of an agreement. Some of these reasons are regulated in certain articles in the Civil Code. The following are some common reasons that can lead to the cancellation of an agreement:

1. Incompetence (Article 1330 of the Civil Code): If one of the parties involved in the agreement is not legally capable at the time the agreement is made, the agreement can be declared void.
2. Validity (Article 1320 of the Civil Code): Agreements that are contrary to law, contrary to decency, or violate public order may be considered void.
3. Error (Article 1339 of the Civil Code): Substantial faults that include mistakes about the nature of the subject matter of the agreement can be the basis for canceling the agreement.
4. Deceit (Article 1365 of the Civil Code): If an agreement is made due to deceit by one party against the other, the agreement can be declared void.
5. Violence (Article 1324 of the Civil Code): If an agreement is made due to life-threatening violence, the agreement may be considered void.
6. Law or Power (Article 1337 of the Civil Code): Cancellation can occur if there is a law or regulation that gives special power for cancellation in certain circumstances.
7. Loss of Terms or Conditions (Article 1266 of the Civil Code): If an agreement depends on a certain term or condition and the term or condition is not fulfilled, the agreement can be declared void.

It is important to note that rescission of an agreement is not an automatic

consequence and may require certain legal actions. Parties who feel their rights have been violated or feel entitled to rescind the agreement will usually have to file a claim or application for rescission with the court.

The validity of a deed made by a notary can be taken into consideration if the notary is proven to have violated the law. In some cases, legal violations by notaries can affect the validity and evidentiary power of the deeds they make. Here are some things that need to be considered:

1. Authentic Deeds and Perfect Evidentiary Power

A deed made by a notary is generally considered an authentic deed, which has perfect evidentiary power in accordance with the law. However, the validity of this deed remains dependent on the notary's compliance with legal and ethical procedures.

2. Influence of Lawlessness:

If a notary is found to have committed a violation of the law, it may be grounds to question the validity of the deed he or she created. Certain offenses, such as forgery or fraud, can compromise the integrity and validity of legal documents.

3. Further Legal Examination

If a notary is involved in a violation of the law, a legal authority or notary supervisory body may conduct a follow-up examination. During this examination, the validity of the deed made by the notary may be further examined.

4. Revocation of Notary License

If a notary's violation of the law reaches a serious level, the competent authority may revoke the notary's license. The revocation of this license may affect the validity of the deeds made by the notary.

5. Correction or Recovery

Depending on the nature of the breach of law and its implications for the deed, corrective or remedial action may be required. This may involve redrafting the deed or other legal action to remedy the situation²¹.

The validity of a deed generally depends on the notary's compliance with the legal requirements applicable at the time of its creation. If a notary is involved in a violation of the law, the aggrieved party or the authorities may take legal steps to review and, if necessary, cancel or correct the deed made by the notary²².

Notaries are expected to act independently and objectively in accordance with the law, without interference from certain parties that may affect the integrity of the notary. Notaries are required to follow the ethical standards and code of conduct of the notary profession as stipulated in the law. The sustainability of the notary profession depends on the notary's adherence to professional and ethical standards²³.

Notaries have certain authorities and responsibilities in accordance with the law. Legal protection is provided so that notaries can carry out their duties and responsibilities safely. There is a system of supervision and control by the Notary Supervisory Board (DPN) and the Notary Regional Supervisory Board (DPD Notaris) which are tasked with overseeing the behavior of notaries and ensuring compliance with legal provisions. Protection of notaries can also involve the right of notaries to obtain legal justice in the event of a dispute or legal action against them.²⁴.

4. Conclusion

Notaries in making their deeds must be responsible for the form of the deed, must not deviate from the provisions stipulated in the UUJN, and the form of the notarial deed is regulated in Article 38 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2014 concerning Notary Offices. Article 13 of the Regulation of

²¹ Wibawa, K. C. S. (2019). Menakar Kewenangan Dan Tanggung Jawab Pejabat Pembuat Akta Tanah (Ppat) Dalam Perspektif Bestuurs Bevoegdheid. *CREPIDO*, 1(1), 40–51. <https://doi.org/10.14710/crepido.1.1.40-51>

²² Nurrachmasari, A., & Badriyah, S. M. (2023). Kedudukan Hukum terhadap Covernote Notaris dalam Pencairan Kredit. *JlIP - Jurnal Ilmiah Ilmu Pendidikan*, 6(8), 5542–5550. <https://doi.org/10.54371/jiip.v6i8.2291>

²³ Khalis, S. R. (2021). Pembinaan Majelis Kehormatan Notaris Dan Majelis Pengawas Notaris Berdasarkan Undang-Undang Jabatan Notaris. *Lex Renæssan*, 1(6), 179–192.

²⁴ Tumangger, D. D. G., & Santoso, B. (2023b). Penegakan Hukum Terhadap Praktik Mafia Tanah Sebagai Pembuat Sertifikat Fiktif. *Notarius*, 16(2), 776–794. <https://doi.org/10.14710/nts.v16i2.41030>

the Minister of Law and Human Rights of the Republic of Indonesia Number M.02.PR.08.10 of 2004 concerning Procedures for Appointment of Members, Dismissal of Members, Organizational Structure, Work Procedures, and Audit Procedures of the Notary Supervisory Assembly has stated the authority and procedures for examining and supervising Notaries. Article 15 also explains that the Regional Supervisory Assembly before conducting periodic examinations or examinations at any time deemed necessary, by first notifying in writing the Notary concerned no later than 7 (seven) working days before the examination is carried out. The notification letter as referred to in paragraph (1) includes the time, day, date, and names of the members of the Regional Supervisory Panel who will conduct the inspection. At the time determined for the examination, the Notary concerned must be at his/her office and prepare all Notary Protocols. The aforementioned articles that mention the procedures for the supervision of Notaries by the Regional Notary Supervisory Council do not mention that there is an examination of social media accounts or internet sites owned by a Notary. Administrative inspection only covers matters related to what can be seen when visiting the Notary's office."

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