

Juridical Review the Role of the Notary Honor Council in Providing Sanctions against Notary That Violates the Code of Ethics of Notary Position

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Abstract. *This research will be examined in this study are: What is the mechanism for imposing sanctions on notaries who violate the notary's code of ethics and the efforts that can be made by a notary who is imposed with a sanction for violating the notary's code of ethics to file an objection. The approach method used is a normative juridical approach and the specifications used in this study are analytical descriptive research. Based on the results of the study it can be concluded that for Notaries who violate the code of ethics, the Ethics Council can impose sanctions on the violators, sanctions imposed on members of the Indonesian Notary Association who violate the code of ethics can be in the form of: Reprimand, Warning, Temporary Dismissal from Association Membership, Dismissal With Respect from Association Members, and Disrespectful Dismissal from Association Members. However, the dismissal sanction given to a Notary who violates the code of ethics is not in the form of dismissal from the notary position but dismissal from membership of the Indonesian Notary Association. So that the sanction seems to have less binding power for Notaries who violate the code of ethics. Notaries who have been sanctioned for violating the code of ethics can defend themselves and can appeal in stages against the decisions of the Regional Ethics Council to the Regional Ethics Council and the Central Ethics Council as a final level examination.*

Keywords: Notary, Code of Ethics, Sanctions

1. Introduction

Guarantee of certainty, order and legal protection of course Requires special efforts that need to be done carefully as a form of state responsibility for the prosperity and welfare of the Indonesian people. The law seeks to maintain and regulate a balance between selfish personal interests or desires and their common interests. There is no conflict. Therefore, in essence the law must be safe and impartial.

Law enforcement officials (judges, prosecutors, notaries, police) are essentially defenders of truth and justice, and law enforcement officials must have good faith and be honest with the legal profession. Good and noble profession. Because it is noble and prestigious, lawyers must feel the profession of their choice and their calling to serve others in the field of law.

Furthermore, according to CST Kansil, explaining the main principles that apply to a profession are as follows:¹

1. Professions are servants, therefore they have to work selflessly, especially for clients or patients who can't afford it;
2. The implementation of professional services refers to noble values;
3. The implementation of the profession is oriented to society as a whole;
4. The pattern of competition in 1 (one) profession must be healthy.

According to Abdulkadir Muhammad, for a job to be called a profession there are several conditions that must be met, including:²

1. The existence of work specialization;
2. Based on expertise and skills;
3. Is permanent and continuous;
4. Prioritizing service over rewards;
5. Have a high sense of responsibility;
6. Grouped in a professional organization.

A notary is a profession where a notary is required to be all professional in carrying out this, this can be seen in carrying out his duties a notary may not benefit either party, a notary must show his neutral nature.

2. Research Methods

This study uses a normative juridical research approach. According to Soerjono Soekanto, legal research conducted by means of research on literature or secondary data alone, can be called normative research or legal research on literature.³ The normative juridical approach is used to

¹CST Kansil, 2003, Principles of Ethics of the Legal Profession, Pradya Paramita, Jakarta, Page 5.

²Abdulkadir Muhamad, 2001, Ethics of the Legal Profession, PT. Citra Aditya Bakti, Bandung, Hal. 58.

³Mahmudji., Sri and Soejono Soekanto, 2003, Normative Legal Research: A Brief Overview., Raja Grafindo, Jakarta, Page 14

analyze various laws and regulations related to the mechanism for imposing sanctions on notaries who violate the notary's code of ethics.

3. Results and Discussion

3.1. Mechanism of the Notary Honorary Council in Imposing Sanctions Against Notaries Who Violate the Notary's Code of Ethics

The Notary Office Law (UUJN) emphasizes that the responsibilities of the position of a notary are born from the obligations and authorities given to him by law. The obligations and authorities are legally and bound to come into effect since the Notary pronounces his oath of office as a Notary. The oath that has been spoken will become a guideline and control for all actions of the Notary in carrying out his position.

As emphasized in Article 1 paragraph (1) of the Act No. 2 of 2014 concerning Amendments to Act No. 30 of 2004 concerning the Position of Notary Public it explains as follows:

"Notary is a public official authorized to make authentic deeds and has other authorities as referred to in this law or based on other laws".⁴

The purpose of this Article is that a Notary in carrying out his position has an important authority, namely to make Authentic Deeds and other authorities regulated in Article 15 of the Act No. 2 of 2014 concerning Amendments to Act No. 30 of 2004 concerning the Position of Notary as well as other laws and regulations.

The authority of a Notary is not only regulated by the Notary's Position Law, but also based on other laws and regulations that expand the scope of Notary's authority, if required by existing and future laws and regulations.⁵

This helps ensure that the notary does not abuse the authority of the notary and implements it within the meaning of the Notary Office Act and other legal regulations. Therefore, sanctions are needed that specifically regulate the Notary profession.

⁴Act No. 2 of 2014 concerning Amendments to Act No. 30 of 2014 concerning the Position of Notary

⁵Hartanti Sulihandari & Nisaya Rifani, 2013, Basic Principles of the Smart World Notary Profession, Jakarta, Page 16

Therefore, the Notary is also obliged to guarantee the status assigned to him in connection with the exercise of his power of attorney. In exercising this power of attorney, the notary must act responsibly for the product he issues. A notary is someone who plays an important role in society because of the authority to make original deeds. Therefore, a Notary must maintain his deeds, honor and dignity in order to avoid sanctions.

Obligation is a must that must be carried out by a Notary while Prohibition is something that a Notary may not do. Matters regarding the Obligations of a Notary are contained in Article 16 of the Act No. 2 of 2014 concerning Amendments to Act No. 30 of 2004 concerning the Office of a Notary while regarding the Prohibition of a Notary is contained in Article 17 of the Act No. 2 of the of 2014 concerning Amendments to Act No. 30 of 2004 concerning the Position of Notary.

Sanctions as a form of responsibility that can be given to Notary Officials, can be in the form of administrative, civil or criminal sanctions. Sanctions can be imposed if the Notary violates the provisions stipulated in the Law on Notary Position stipulated in Article 84 and Article 91 A. Article 84 states that: "An act of violation committed by a Notary against the provisions referred to in Article 16 paragraph (1) letter j , Article 16 paragraph (1) letter m, Article 16 paragraph (7) and paragraph (9), Article 41, Article 44, Article 48, Article 49, Article 50, Article 51 or Article 52, which results in a deed only having the force proving as a private deed or a deed becoming null and void can be a reason for the party who suffers a loss to demand reimbursement of costs, compensation and interest from the notary.

- 1) The notary deed has the power of proof as a private deed if the notary violates:
- 2) Violating the provisions of Article 16 paragraph (1) letter m, namely not reading the deed before the appearer in the presence of at least 2 witnesses and signed at the same time by the appearer, witness and Notary.
- 3) Violating the provisions of Article 16 paragraph (7) and paragraph (9), namely if the Notary at the end of the deed does not include the sentence that the appearers want the deed not to be read because the appearers read it themselves, know and understand the contents of the deed.
- 4) Violating the provisions of Article 41 by referring to Article 39 and Article 40.

5) Violating the provisions of Article 52, namely making a deed for oneself, wife/husband or other person who has a family relationship with a Notary, either because of marriage or blood relations in a straight downward and/or upward line without degree restrictions, as well as in a sideline to with the third degree, as well as being a party for oneself or in a position or by proxy.

Deed The Notary becomes null and void if the Notary violates:

1) Violating the obligations as referred to in Article 16 paragraph (1) letter j, and Article 16 paragraph (1) letter l;

2) Violating the provisions of Article 44, i.e. at the end of the deed it is not mentioned or stated by mentioning the deed that the deed has been read out for a deed that is not made in Indonesian or other languages used in the deed, using an official translator, explanation, signing the deed before the appearer, Notary and official translator .

3) Violating the provisions of Article 48 namely failing to provide initials or not providing other signs of validation by the appearer, witness and Notary for changes or additions in the form of replacement, addition, insertion, deletion or deletion and overwriting;

4) Violating the provisions of Article 49, namely not mentioning changes to the deed that were made not on the left side of the deed, but for changes made at the end of the deed before closing the deed, by indicating the part that was changed or by inserting an additional sheet. Changes made without designating the changed part will result in the change being cancelled.

5) Violating the provisions of Article 50, namely not crossing out, initializing and for changes in the form of crossing out words, letters or numbers, this is done in such a way that it can still be read as originally written, and the number of words, letters or numbers crossed out is stated on the side of the deed , also did not state at the end of the deed regarding the number of changes, deletions and additions.

6) Violating the provisions of Article 51, namely not correcting typographical errors and/or typos contained in the signed Minute Deed, also not making minutes of the corrections and not submitting the minutes of corrections to the parties mentioned in

the Deed. Article 52 paragraph (3) confirms that a deed that has the power of proof as a private deed and a deed that is null and void by law can both be demanded for reimbursement of costs, compensation and interest.

Before a Notary is subject to civil sanctions in the form of reimbursement of costs, compensation and interest, it must first be proven that:

- 1) There is a loss suffered;
- 2) Between the loss suffered and the violation or negligence of the Notary there is a causal relationship;
- 3) The violation (action) or negligence is caused by an error that can be accounted for by the Notary concerned.
- 4) Administrative Sanctions as regulated in the provisions of Article 91 A,

state that:

“Violations of the provisions referred to in Article 7, Article 16 paragraph (1) letter a, Article 16 paragraph (1) letter b, Article 16 paragraph (1) letter c, Article 16 paragraph (1) letter d, Article 16 paragraph (1) letter e, Article 16 paragraph (1) letter f, Article 16 paragraph (1) letter g, Article 16 paragraph (1) letter h, Article 16 paragraph (1) letter i, Article 16 paragraph (1) letter j, Article 16 paragraph (1) letter k, Article 16 paragraph (1) letter l, Article 16 paragraph (1) letter m, Article 16 paragraph (1) letter n, Article 17, Article 19, Article 32, Article 37, Article 54, Article 65 A, can be subject to sanctions in the form of:

- a. written warning;
- b. Temporary Suspension;
- c. Honorable Dismissal;
- d. Disrespectful Dismissal.

Based on this description, it seems clear that UUJN only regulates administrative sanctions and civil sanctions against Notaries who violate the law as regulated in UUJN. Thus the UUJN itself does not regulate the threat of criminal sanctions for the position of a Notary, because in fact the allegations of criminal acts committed by a Notary generally have

nothing directly to do with the product of his position (authentic deed).

Even though the UUJN does not regulate the threat of criminal sanctions against a notary, in certain cases a notary can be suspected of being involved in a criminal act. In the sense of a crime that is currently in the process of being handled by law enforcement, there are allegations related to the deed made by a notary official. On this basis, with the approval of the Notary Honorary Council (MKN), investigators, public prosecutors and judges will summon the notary for examination and be asked to submit documents related to the deed he made.⁶

Thus if there is an alleged violation of the law as a criminal act committed by a Notary, then the threat of sanctions imposed is a sanction regulated outside the UUJN, in this case the threat of sanctions as stipulated in the Criminal Code or laws outside the Criminal Code. As a condition, the possibility of threats of criminal sanctions can be imposed in relation to the position of a notary, including:

- 1) There was a deliberate legal action from the notary against the formal aspects, as well as the material aspect of the deed, and it was planned that the deed which would be drawn up together with the appearers was used as a basis for committing a crime. The notary deed in the formal aspect must provide certainty that the events and facts contained in the deed were actually carried out by a notary and explained by the parties who appeared at the time stated in the deed. The material aspect is related to certainty regarding the material of a deed, that what is stated in the deed is valid evidence against the parties making the deed.
- 2) There is a legal action from a notary in making a deed that is not in accordance with the requirements specified by UUJN or other related laws and regulations;
- 3) The legal action of the notary, according to the assessment of the competent authority and who has the competence to evaluate the actions of the notary, is deemed not in accordance with the provisions and declared as an act of violation of law.

If these three things are not met, then the allegation of a criminal act committed by a Notary official is a form of crime that is classified as a general crime that has nothing to do with his position as a Notary. In the

⁶Articles 66 and 66 A of Act No. 2 of 2014 concerning Amendments to Act No. 30 of 2004 concerning the Office of a Notary.

sense that criminal acts are also often committed by legal subjects other than notary officials. In several cases, alleged criminal acts involving notaries were reported, including: crime of forgery of letters (Articles 263, 264, 266 of the Criminal Code), embezzlement (Article 372,374 of the Criminal Code) Fraud (Article 378 of the Criminal Code).

Whereas the Notary Code of Ethics has been regulated at the 2015 Extraordinary Congress of the Indonesian Notary Association in Banten, this 2015 code of ethics replaces the previously valid Code of Ethics, namely the Notary Code of Ethics stipulated at the Congress of the Indonesian Notary Association (INI) in Bandung on January 28, 2005 , concerning the Obligations of a Notary is regulated in Chapter III Article 3 while regarding the Prohibition of a Notary is regulated in Article 4. For a Notary who violates both the obligations and prohibitions of the Code of Ethics will be subject to sanctions (Article 6) in the form of:

- 1) reprimand,
- 2) Warning,
- 3) Temporary Termination of Association membership,
- 4) Honorable Termination of Association membership,
- 5) Disrespectful Dismissal of Association membership.
 - a. Written Warning

This written sanction is an initial warning or warning so that someone does not commit or is afraid to commit another violation. In imposing this written warning sanction, the Notary can defend himself. According to Habib Adjie, a written warning is not appropriate to be included in a sanction but is only the initial stage for imposing real coercive sanctions which, if proven, can be subject to other sanctions.

The Regional Supervisory Council (MPD) in supervising notaries cannot give written warning sanctions, but the Regional Supervisory Council can only convey to the Regional Supervisory Council that the Notary be given written or verbal sanctions.

The Regional Supervisory Council (MPW) can only give sanctions in the form of written or verbal warnings to Notaries and can only propose to the Central Supervisory Council for Temporary Dismissal for 3 (three) to 6 (six) months and Dishonorable Dismissal.

b. Temporary Stop

This temporary suspension or suspension is a period of waiting for the implementation of sanctions from the Minister. Regarding the Temporary Dismissal, it has been stated in Article 9 of the Act No. 2 of 2014 concerning Amendments to Act No. 30 of 2004 concerning the Position of Notary, this is done so that the Notary does not carry out his position temporarily because:

- 1) In the process of bankruptcy or postponement of debt payment obligations
- 2) Being under guardianship
- 3) Doing a disgraceful act
- 4) Violating the obligations and prohibitions of positions and the notary's code of ethics
- 5) Currently serving detention

This temporary suspension will result in a temporary loss of authority of the Notary and the Notary concerned cannot make a deed or even within a certain time, namely between 3 (three) to 6 (six) months. This sanction can end in the form of recovery to the Notary to carry out his duties again or be followed up with a sanction of honorable discharge or dishonorable discharge.

c. Honorable Termination

Regarding this Honorable Dismissal, it has been regulated in Article 8 of the Act No. 02 of 2014 concerning the Position of Notary. Based on the Article, this Honorable Dismissal occurred due to:

- 1) Die;
- 2) 65 (sixty five) years old;
- 3) Own request
- 4) Spiritually and/or physically unable to perform the duties of a notary continuously for more than 3 (three) years
- 5) Concurrent positions as referred to in Article 3 letter g (not

having the status of a civil servant, state official, advocate, or not currently holding other positions which are prohibited by law from having concurrent positions as a notary). The age provision in question can be extended to the age of 67 (sixty seven) years by considering the health of the person concerned.

d. Disrespectful Dismissal

A dishonorable discharge is a notary's dismissal from his position so that a person cannot become a notary again. The Central Supervisory Council can only make suggestions to the Minister to impose a Disrespectful Dismissal to a Notary. So that the Notary can only be dismissed with no respect by the Minister.

This dishonorable discharge has been regulated in Article 12 and Article 13 of the Act No. 02 of 2014 concerning Amendments to Act No. 30 of 2004 concerning the Office of a Notary.

In Article 12 a Notary can be dishonorably dismissed from his position by the Minister at the suggestion of the Central Supervisory Council (MPP) if:

- 1) Declared bankrupt based on a court decision that has obtained permanent legal force
- 2) Being under continuous supervision for more than 3 (three) years
- 3) Committing acts that humiliate the honor and dignity of the position of Notary (eg gambling, drunkenness, drug abuse and adultery)
- 4) Committing serious violations of the obligations and prohibitions of office.

Notaries can also be dismissed directly by the Minister if they have been sentenced to imprisonment based on a court decision that has permanent legal force for committing a criminal offense punishable by imprisonment of 5 (five) years or more, (Article 13).

If a Notary commits an act as referred to in Article 12, if he is subject to a criminal sanction, he may be sentenced to imprisonment of less than 5 (five) years. The actions referred to in this Article are gambling, drunkenness, adultery and drug abuse, and can also be more than five years. At the time of imposition of sanctions, the Notary can submit an appeal so that the Notary is only temporarily dismissed and not dismissed dishonorably (removed from the position of notary). Notaries who are

subject to criminal penalties of less than 5 years may be given the opportunity to be reappointed as Notaries.

Notaries who are given sanctions for violating the Code of Ethics can defend themselves and can appeal in stages against the decisions of the Regional Ethics Council, to the Regional Ethics Council and the Central Ethics Council as a final level examination.

3.2. Efforts That Can Be Made By Notaries Who Are Sanctioned Violations Of The Notary's Code Of Ethics

As a bearer of the mandate and trust of the public, a Notary as a Public Official should receive legal protection in carrying out his/her position. A Notary who is suspected of violating the Code of Ethics must first be heard and given the opportunity to defend himself before the Central Honorary Council (DKP) submits a temporary dismissal proposal to Central Management (PP).

In handling or resolving a case, members of the Central Honorary Council (DKP) must continue to respect and uphold the dignity of the member concerned, always maintain a family atmosphere and keep everything they find secret. A Notary who is suspected of violating the Code of Ethics should be given advocacy or assistance by the association while upholding the presumption of innocence.

1) Examination and Imposition of Sanctions at the First Level

If a member is suspected of violating the Code of Ethics, whether the allegation comes from the knowledge of the Regional Honorary Council (DKD), Regional Honorary Council (DKW), Central Honorary Council (DKP) themselves or because of a report from the Regional Executive (PD) or other parties to the Regional Ethics Council, then no later than 14 (fourteen) working days the Ethics Council must immediately summon in writing/recorded with the expedition, to provide an explanation and defense. Summons are sent no later than 14 (fourteen) working days before the inspection date.

In the event that the summoned member does not come or does not give any news within 14 (fourteen) working days after being summoned, the Regional Honor Council (DKD) will repeat the summons 2 (two) times with an interval of 14 (fourteen) working days after the first call. In the event that the member who was summoned does not come or does not give any news after the 3rd (three) summons, it turns out that he still does not come or does not give news for any reason, then the Honorary Council

which examines it will continue to convene to discuss violations that were allegedly committed by the member who was summoned. and will determine its decision in accordance with applicable regulations.

If according to the results of the Regional Ethics Council Session it turns out that there is an allegation of a violation of the Code of Ethics, then within 14 (fourteen) working days after the date of the hearing, the Regional Ethics Council is obliged to summon by registered letter or by expedition, for the statement and given the opportunity to defend themselves .

The decision can be made by the Honorary Council examining, both at that Session and at another session, as long as the determination of the decision to violate or not to violate it is made no later than 30 (thirty) working days after the last session, after the date of the Honorary Council meeting held examining the Notary in order to hear his statement and/or defense is obliged to make a decision. If in the decision of the Honorary Council Session which examines it is stated that there has been a violation of the Code of Ethics, then the trial will also determine the sanctions for the violators as set forth in the Decree. If the member is not proven to have committed a violation, the member's name will be restored with a Decree of the Honorary Board that examines it.

The decision of the session by the Regional Honorary Council (DKD) must be sent by the Regional Honorary Council (DKD) to members who violate it by registered letter or by expedition and a copy of it to the Central Executive (PP), Central Honorary Council (DKP), Regional Administrator (PW)), Regional Honorary Council (DKW), Regional Administrators (PD), Regional Honorary Council (DKD).

If at the regional management level a Regional Honorary Council (DKD) has not been formed, then the Regional Honorary Council (DKW) is obliged and has the authority to carry out the obligations and authorities of the Regional Honorary Council in the framework of enforcing the code of ethics or delegating the duties and responsibilities of the Regional Honorary Council (DKD) to the Regional Honor Council (DKD) closest to the domicile or residence of the member who violates the code of ethics. This also applies if the Regional Honor Council (DKD) is unable to resolve or decide on the problems it faces.

The Honorary Council which examines in carrying out examinations and making decisions at trial must respect and uphold dignity, maintain a family atmosphere and keep everything found secret.

2) Examination and Imposition of Sanctions at the Appeal Level.

Decisions containing the imposition of sanctions for temporary suspension (schorsing) or dismissal (onzetting) from association membership can be submitted/requested for appeal to the Regional Ethics Council (DKW). The request for appeal must be made by the member concerned within 30 (thirty) working days, after the date of receipt of the Decision Letter on the imposition of sanctions from the Regional Honor Council (DKD)/Regional Honor Council. Requests for appeals are sent by registered letter or sent directly by the members concerned to the Central Honorary Council (DKP) and copies to the Central Executive (PP), Regional Administrators (PW), Regional Honorary Council (DKW), Regional Executives (PD) and Council Regional Honor (DKD).

The Regional Ethics Council (DKD) within 14 (fourteen) days after receiving a copy of the appeal request must send all copies/photocopies of the examination documents to the Central Ethics Council (DKP). After receiving a request for an appeal, the Central Honorary Council (DKP) must summon the member submitting the appeal, no later than 14 (fourteen) working days after receiving the request. Members who filed an appeal were summoned to hear their statements and given the opportunity to defend themselves in a Central Honor Council (DKP) session.

The Central Honorary Council (DKP) is required to make a decision at the Appellate level through its trial, within 30 (thirty) working days, after the member concerned has heard his testimony and been given the opportunity to defend himself.

If the summoned member does not come and does not provide news with valid reasons via registered letter, the Central Honorary Board (DKP) session will still give a decision within the allotted time.

The Central Honorary Council (DKP) is obliged to send the Decree to members who request an appeal by registered letter or by expedition, and a copy of it to the Central Board (PP), Regional Administrators (PW), Regional Honorary Council (DKW), Regional Administrators (PD) , the Regional Honorary Council (DKD), and the Central Board of the Indonesian Notary Association (INI), all within 14 (fourteen) working days after the date of the Decree.

If the examination and imposition of sanctions at the first level have been carried out by the Regional Ethics Council (DKW), since at the teacher training level the area concerned has not yet been formed a Regional Ethics Council (DKD), then the decision of the Regional Ethics Council is a decision at the Appeal Level.

3) Examination and Imposition of Sanctions at the Final Level.

Decisions containing the imposition of sanctions for temporary suspension (schorsing) or dismissal (onzetting) from association membership carried out by the Regional Honorary Council can be submitted/requested for examination at the last level to the Central Honorary Council (DKP).

An application for a Final Examination must be made by the member concerned within 30 (thirty) working days, after the date of receipt of the decision letter for the imposition of sanctions from the Regional Ethics Council (DKW).

Applications for Final Level examinations are sent by registered letter or by expedition or by the members concerned to the Central Honorary Council (DKP) and copies to the Regional Honorary Council (DKD), Central Executive (PP), Regional Executive (PW) and Regional Executive (PD) .

The Regional Ethics Council (DKW) within 14 (fourteen) working days, after receiving a copy of the application for Final Examination must send all copies/photocopies of the examination dossier to the Central Ethics Council (DKP). After receiving an application for an examination at the last level, the Central Honorary Council (DKP) must summon the member requesting the examination, no later than 30 (thirty) working days after receiving the request.

The member who submitted the request for the examination was summoned to hear his statement and given the opportunity to defend himself in the Central Honorary Council (DKP) session.

The Central Honorary Council (DKP) is obliged to give a decision in the Final Examination through its trial, within 30 (thirty) working days, after the member concerned is summoned, his statement is heard and given the opportunity to defend himself.

If the summoned member does not come and does not provide news with

valid reasons via registered/written letter, the Central Honorary Council (DKP) session will still give a decision and the Central Honorary Council (DKP) is obliged to send the decision to the member requesting a final examination. by registered letter or by expedition and copies thereof to the Regional Honorary Council (DKD), Branch Managers (PC), Regional Administrators (PD), and Central Executives (PP), all within 14 (fourteen) working days, after the Honorary Council meeting The Center (DKP) makes a decision or examination at the Final Level.

Decisions made by the Regional Honorary Council (DKD), Regional Honorary Council (DKW) and those determined by the Central Honorary Council (DKP) are carried out by the Regional Administrators (PD). The Regional Administrator (PD) is required to record in the member's book of the association in the Regional Executive (PD) any decisions made by the Regional Honorary Council (DKD), Regional Honorary Council and/or Central Honorary Council (DKP) regarding the following Code of Ethics case the member's name. Furthermore, the name of the Notary, cases and decisions of the Regional Honorary Council (DKD), Regional Honorary Council (DKW) of/or the Central Honorary Council (DKP) are announced in the notary media which is published after recording in the book of members of the association.

The imposition of sanctions as described above on members who violate the code of ethics is adjusted to the quantity and quality of violations committed by these members.

Based on the research results, it can be seen that violations of the code of ethics that appear in practice are:

1. Excessive nameplate creation;
2. Have a disguised branch/representative office;
3. Opening the secret of the appearer to other parties;
4. The pouring of the results of the GMS which were made privately into an authentic deed which is inconsistent and not the same in content;
5. tax evasion;
6. Unfair and ethical honorarium competition;
7. Running a position outside the area of office;

8. Making a deed that is not in accordance with the provisions of Act No. 30 of 2004 as amended by Act No. 2 of 2014 concerning the Position of a Notary;

Notaries have a very important authority for legal traffic in people's lives, so that the code of ethics functions properly, it is necessary to have an agency or tool that is tasked with assisting and overseeing the enforcement of the code of ethics against Notaries and has the authority to impose sanctions on Notaries who violate the code of ethics, in Indonesian Notary Association (INI), the institution is the Honorary Council (DK).

The Honorary Council (DK) is an instrument of association that has the authority to examine all violations of the code of ethics that are internal in nature or that have no direct connection with the interests of the community and impose sanctions on violations according to their authority.

A member of the Indonesian Notary Association (INI) can temporarily terminate his membership by the Central Board (PP) or at the suggestion of the Central Honorary Council (DKP), Regional Honorary Council (DKW) or Regional Honorary Council (DKD) through the Central Honorary Council (DKP), because perform one or more of the following actions:

- a. Committing an act that is a serious violation of the provisions of the articles of association, bylaws, code of ethics and legal decisions in the association;
- b. Perform acts that defame, harm or humiliate the good name of the association;
- c. Misusing the association's name for personal gain.

If a member who is temporarily dismissed based on a congressional decision is found guilty, then the member concerned can be permanently dismissed from association membership. Based on a congressional decision, the Central Executive (PP) makes a decision to dismiss the member concerned and the decision is reported by the Central Management (PP) to the Minister in charge of the Notary Office, the Central Supervisory Council (MPP), the Regional Supervisory Council (PW) and the Regional Supervisory Council. (MPD) as well as other agencies which, according to the Central Executive (PP), need to receive a report.

However, the dismissal sanction given to a Notary who violates the code

of ethics is not in the form of dismissal from the Notary Position but dismissal from membership of the Indonesian Notary Association (INI) so that even though the Notary concerned has been proven to have violated the code of ethics, the Notary can still make Deeds and exercise other authorities as a Notary, thus the sanction in the form of dismissal from association membership certainly does not have an impact on the position of a Notary who has violated the code of ethics, for example a Notary is suspected of having committed a violation of the code of ethics in the form of an act which is a serious violation of the provisions of the articles of association, code of ethics and legal decisions from the association, i.e. signing a Deed in which the process of making minutes has been prepared by another party, then the Notary is sanctioned with dishonorable Dismissal from membership of the Indonesian Notary Association (INI), the Notary can still make a Deed and carry out his position as a Notary, because this sanction does not mean that the Notary is immediately dismissed from his position, because only the Minister has the authority to dismiss a Notary from his position by hearing a report from the Supervisory Board (MP). because only the Minister has the authority to dismiss a Notary from his Position by listening to a report from the Supervisory Board (MP). because only the Minister has the authority to dismiss a Notary from his Position by listening to a report from the Supervisory Board (MP).

Another example is a Notary who is sanctioned with dismissal from a Notary association for violating the code of ethics by intentionally employing a person who is still an employee of another Notary, he can still carry out his position, so that the sanction seems to have less binding power for a Notary who violates the code. ethics.

The Code of Ethics should be drawn up not only based on congress decisions but from the conscience of the Notaries themselves so that the implementation of the Code of Ethics is more imbued with the spirit of the Notaries themselves, so that they can be obeyed and implemented with full awareness, for example, there is one provision in the obligations of the Code Ethics that require Notaries to always actively participate in the activities of the Indonesian Notary Association (INI) and if they cannot be active are considered a violation of the Code of Ethics, this is not very aspirational.

Even though the Code of Ethics is relative, it means that if a Notary has good ethics, he will definitely not abstract the Code of Ethics more deeply, but instead concretizes the Code of Ethics in his life so that it does not harm colleagues.

4. Conclusion

The Mechanism of Imposing Sanctions Against Notaries Who Violate the Notary's Code of Ethics is the implementation of the Code of Ethics sanctions for violations of Position by a Notary who violates the Code of Ethics, the Honorary Council (DK) can impose sanctions on violations, sanctions imposed on members of the Indonesian Notary Association (INI) those who violate the Code of Ethics, the Honorary Council (DK) can impose sanctions in the form of: Reprimand, Warning, Schorsing (Temporary Termination) from Association membership, Onzetting (Respectful Dismissal) from Association membership and Disrespectful Dismissal from Association membership. However, the dismissal sanction given to a Notary who violates the Code of Ethics is not in the form of dismissal from the Position of Notary but dismissal from membership of the Indonesian Notary Association (INI) so that even though the Notary concerned has been proven to have violated the Code of Ethics, the Notary can still make Deeds and exercise other authorities as a Notary, thus the sanction in the form of dismissal from association membership certainly does not have an impact on the Position of a Notary who has violated the Code of Ethics, because this sanction does not necessarily mean that the Notary is dismissed from his position, because only the Minister has the authority to dismiss a Notary from his Position by listen to reports from the Supervisory Board. So that these sanctions seem to lack binding power for Notaries who violate the Code of Ethics. Efforts That Can Be Taken By Notaries Sanctioned Violations Of The Code Of Ethics Of Notary Positions Are Notaries can make efforts to defend themselves and can appeal in stages against the decisions of the Regional Honorary Council (DKD), Regional Honorary Council (DKW) and Central Honorary Council (DKP) as the final level check.

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