

## Notary's Responsibility for Forgery of Inheritance Certificate Documents by Heirs

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**Abstract.** *This research aims to analyze: 1) The notary's responsibility for falsifying inheritance certificate documents by heirs. 2) Legal protection for notaries against falsification of inheritance certificate documents by heirs. The approach method used in this research is the statutory approach. This type of research includes normative legal research. The type and source of data is secondary data. obtained by literature study. The analysis in this research is qualitative. The results of the research concluded: 1) The notary's responsibility for falsifying inheritance certificate documents by the heirs, namely the Notary in this case cannot be held criminally responsible as in the prosecution, because in the trial no evidence was found that Notary M participated in committing the crime together with the face (L). Notary M was not legally and convincingly proven guilty of committing a criminal act as charged in Article 266 paragraph (1) of the Criminal Code jo. Article 55 paragraph 1 1 of the Criminal Code. Notary M only makes authentic deeds based on documents from the Applicant (L). However, due to lack of thoroughness and caution, the document used as the basis for issuing the deed was a fake document. The responsibility of a Notary adheres to the principle of responsibility based on fault (based on fault of liability), in making an authentic deed, the Notary must be responsible if the deed he makes contains an error or intentional violation by the Notary. 2) Legal protection for notaries against falsification of inheritance certificate documents by heirs, namely that notaries are given special privileges such as the right of denial. Legal protection for reneging obligations is a means of legal protection for notaries, especially from the criminal process. In the form of legal protection for notaries according to the Notary Honorary Council, based on Article 66 paragraph 1, if you want to summon a Notary, the police, prosecutor or judge must obtain MPD approval.*

**Keywords:** Document; Falsification; Responsibility.

## 1. Introduction

The existence of a Notary is very important in the midst of community life. Notaries are in the realm of preventing legal problems through authentic deeds that they make as the strongest evidence in court. The most important position of the notary profession is in its main task as the maker of authentic deeds. Notaries are authorized by law to create absolute evidence. This implies that the contents of the authentic deed are basically considered true.<sup>1</sup>

The position of a notary as an official who makes authentic deeds is stated in Article 2 Paragraph 1 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, which states that a Notary is a public official who is authorized to make authentic deeds and has other authorities as referred to in this Law or based on other laws. Authentic deeds made by or before a notary according to the form and procedures stipulated in the Law.<sup>2</sup>The role of a Notary in providing assistance in providing legal certainty and legal protection for the community is very important. The role of a notary is more preventive or preventive in the future of legal problems by making authentic deeds related to a person's legal status, rights and obligations in law, and so on which function as the most perfect evidence in court, namely in the event of a dispute over rights and obligations.<sup>3</sup>

Notaries, when carrying out their duties in making a deed, have responsibility for the deed they make as a realization of the wishes of the parties in the form of an authentic deed. The responsibility of a Notary is closely related to the duties and authorities as well as morality both personally and as a public official.<sup>4</sup>Based on Article 16 letter a UUJN, a person is expected to act honestly, carefully, independently, impartially and protect the interests of the parties involved in legal acts. Thus it can also be said that a Notary is part of the law enforcement process because he must act in accordance with legal procedures so that there is no potential for abuse of the law by interested parties, therefore a Notary deserves legal protection when he has carried out his duties and obligations in accordance with laws and regulations.<sup>5</sup> The role of law in relation to public demands regarding the importance of the legal consequences of a deed, requires

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<sup>1</sup> Rizki Nurmayanti, Akhmad Khisni, The Role and Responsibilities of Notaries in the Implementation of Deed Making, *Jurnal Akta*, Vol. 4 No. 4 December 2017, p. 611

<sup>2</sup>Nawaaf Abdullah, Munsyarif Abdul Chalim, Position and Authority of Notary in Making Authentic Deeds, *Jurnal Akta*, Vol. 4 No. 4 December 2017, p.658

<sup>3</sup> Erina Permatasari, Lathifah Hanim, The Role and Responsibility of Notaries in the Implementation of Registration of Limited Liability Companies Through an Online System, *Jurnal Akta*, Volume 4 Number 3 September 2017, p.401

<sup>4</sup>Sri Utami, Legal Protection for Notaries in Criminal Justice Processes According to Law Number 2 of 2014, concerning Amendments to Law Number 20 of 2004 concerning the Position of Notaries, *Jurnal Repertorium*, January 2015 Edition, p.89

<sup>5</sup>Putri AR, 2011, Legal Protection for Notaries (Indicators of Notary Job Duties that Implicate Criminal Acts), Softmedia, Medan. p. iii

that a Notary as a public official must always be able to follow legal developments in providing information to the public who need it and safeguarding the deeds he has made so that he can always provide clear legal certainty.<sup>6</sup>

Notaries in carrying out their duties must be guided by UUJN and the notary code of ethics. Notaries who commit violations will be subject to sanctions. Notaries cannot escape from civil and even criminal lawsuits, meaning that all actions of Notaries in carrying out their duties and obligations must be legally accountable, including all the consequences of being subject to legal sanctions for violations of the underlying legal norms.<sup>7</sup> Notary as a public official (*Openbaar ambtenaar*) who is authorized to make authentic deeds can be burdened with responsibility for his actions in connection with his work in making the deeds. The authority or duty of a Notary is to make authentic deeds.<sup>8</sup>

One of the authentic deeds made by a Notary is the Certificate of Inheritance. Generally, a Certificate of Inheritance is made by the heirs if they intend to transfer rights to an inheritance as a condition for making another deed or is made to determine the share of each heir. If the Notary makes a mistake in making the Deed of Inheritance in stating the names of the heirs or the shares of each heir, thereby causing losses to the client, the Notary is responsible for the losses. In making this inheritance statement, the Notary is required to be very careful in putting what the client wants into a deed, because the burden of responsibility will continue throughout the Notary's lifetime. The inheritance statement made by the Notary is not an authentic deed therefore it does not have the power of proof as an authentic deed.<sup>9</sup>

Notaries involved in document forgery, such as in the case at the Slawi District Court Number 22/Pid.B/2023/PN Slw, where Notary M was sued by the heirs who felt aggrieved by his actions in making a certificate of inheritance. The making of the deed was based on the genealogy made by Applicant L which was not supported by complete death certificate data/documents issued by the Tegal Regency Civil Registry and the contents were incorrect. Notary M still used the genealogy of the family as the basis for making the Deed of Declaration of Inheritance Rights.

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<sup>6</sup>Dimas Agung, Ahmad Khisni, Legal Consequences of Private Deeds Legalized by a Notary, *Jurnal Akta*, Vol. 4 No. 4 December 2017, p.728

<sup>7</sup>Ary Yuniastuti, Jawade Hafidz, Legal Review of the Cancellation of Deeds and Notary's Liability, *Jurnal Akta*, Volume 4 Number 2 June 2017, p.132

<sup>8</sup>GHS Lumban Tobing, 1999, *Notary Regulations*, Erlangga, Jakarta, p. 37

<sup>9</sup>Irma Garwan, Zarisnov Arafat, and Kristiani, 2021, Notary's Responsibility for Deeds of Inheritance Information That Cause Disputes in the Distribution of Inheritance Assessed from Law Number 2 of 2014 Concerning Amendments to Law Number 30 of 2004 Concerning the Position of Notary, *Jurnal Justisi Hukum*, Volume 6, Number 1, p. 21

The impact of forgery of inheritance certificate documents by heirs is very broad and serious. The legitimate parties as heirs have the potential to lose their rights to the inheritance that they should have, while the unlawful parties can obtain illegitimate benefits. The legal uncertainty resulting from this kind of forgery can trigger conflicts, disputes, and disputes between the parties involved. Therefore, an in-depth study is needed regarding the responsibility of notaries in preventing, detecting, and handling cases of forgery of inheritance certificate documents. A legal analysis will help identify the role of notaries in avoiding this kind of legal violation, as well as formulating more effective preventive measures to maintain the integrity and trust in notary institutions in the process of making authentic deeds.

## **2. Research Methods**

This type of research is included in the scope of normative legal research. The approach method used in this study is the statute approach. The type and source of data in this study are secondary data. obtained from literature studies. The analysis in this study is qualitative.

## **3. Results and Discussion**

### **3.1. Notary's Responsibility for Forgery of Inheritance Certificate Documents by Heirs**

The problem of wealth in society is one of the very vital factors. It is not uncommon for disputes to occur due to misunderstandings regarding the management of wealth. Regarding the wealth itself, it can be a legal event, which we know as inheritance. The distribution of wealth is due to the death of the testator, where the wealth will fall to the rightful heirs.<sup>10</sup>Inheritance law is regulated in Book II, together with objects in general. This is because the view that inheritance is a way to obtain property rights is actually too narrow and can lead to misunderstanding, because what is transferred in inheritance is not only property rights, but also other property rights (property rights) and in addition also obligations included in Property Law.<sup>11</sup>

Regarding the responsibility of a notary in relation to the notary's responsibility in making a certificate of inheritance that does not involve all heirs, this can be categorized as absolute responsibility. If the deed made by the Notary later becomes problematic or causes losses to one of the parties in the deed, then in this case the notary cannot be directly blamed or held responsible, because the notarial deed is the desire and request of the parties, not the notary's suggestion or opinion, but rather the contents of the deed are the actions of the parties and

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<sup>10</sup>Setya Qodar Al-Haolandi, Danu Anindhito Kuncoro Putro, Sukarmi, The Role of Notaries in the Distribution of Inheritance Based on Western Inheritance Rights with the Role of Religious Courts in the Distribution of Inheritance Based on Islamic Inheritance Rights, Jurnal Akta, Unissula Semarang, Volume 5 Number 1 January 2018, p. 118

<sup>11</sup>Said Ali, Wira, Legal Protection for Heirs Against Inheritance That Transfers Without the Consent of All Heirs, Journal of Law & Notary Student Affairs, Volume 1, Number 1, December 2021, p.280

not the actions or actions of the notary. Notaries if summoned by the Police, Prosecutor's Office or Judge, then the agency that wishes to summon them must request approval from the Regional Supervisory Council (MPD). The provisions of Article 66 of the UUJN are imperative or order. In current practice, there are also Notaries who are summoned by the Police, Prosecutor's Office or Judge who immediately come to the agency that summoned them, without first being examined by the MPD, meaning that they take the MPD lightly. If a Notary does this, then it becomes the Notary's own responsibility, for example if there is a change in status from Witness to Suspect or Defendant.<sup>12</sup>

The liability of a Notary as a Public Official who makes a deed if there is a legal problem with the deed according to Law Number 2 of 2014 concerning the Position of Notary, in the UUJN it is regulated that when a Notary in carrying out his/her duties is proven to have committed a violation or legal problem with the deed he/she made, then the Notary can be subject to or given sanctions, in the form of civil, administrative, and Notary code of ethics sanctions, and these sanctions have been regulated in such a way, both previously in the PJN, and now in the UJN and the Notary Code of Ethics, and do not regulate the existence of criminal sanctions against Notaries. In practice, it is found that a legal action or violation committed by a Notary can actually be subject to administrative or civil sanctions or the Notary code of ethics, but is then withdrawn or qualified as a criminal act committed by a Notary.<sup>13</sup>

If these aspects are proven to be violated by a Notary, then the Notary concerned can be subject to civil or administrative sanctions or these aspects are limitations that if proven can be used as a basis for imposing administrative sanctions and civil sanctions against the Notary, but it turns out that on the other hand such limitations are taken or resolved criminally or used as a basis for criminalizing the Notary on the basis that the Notary has made a fake letter or falsified a deed with the qualification as a criminal act committed by the Notary. The limitations that are used as a basis for criminalizing the Notary are formal aspects of the Notary's deed, and should be based on the UUJN, if the Notary is proven to have committed a violation from the formal aspect, then civil sanctions or administrative sanctions can be imposed depending on the type of violation or sanctions of the Notary's code of ethics. The imposition of criminal sanctions on the Notary can be carried out as long as the limitations as mentioned above are violated, meaning that in addition to fulfilling the formulation of violations stated in the UUJN, the Notary's Code of Ethics must also fulfill the formulation stated in the Criminal Code. If the Notary's actions fulfill the formulation of a criminal act, but if it turns out that based on the UUJN and according to the assessment of the Notary Supervisory Board it is not a violation, then the Notary concerned cannot

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<sup>12</sup>Habib Adjie, 2011, Indonesian Notary Law, Op.cit, p. 24

<sup>13</sup>Habib Adjie, 2013, Civil and Administrative Sanctions Against Notaries as Public Officials, Opcit, p.120

be sentenced to criminal punishment, because the measure for assessing a deed must be based on the UUJN and the Notary's Code of Ethics.

The occurrence of criminal charges against a Notary based on a deed made by or before a Notary as an output of the implementation of the duties of the Notary's position or authority, without paying attention to the legal regulations relating to the procedures for making deeds and only based on the Criminal Code alone, indicates that there has been a misunderstanding or interpretation of the position of a Notary and Notarial deeds as evidence in Civil Law.<sup>14</sup> Criminal sanctions are the ultimum remedium, which is the last remedy, if sanctions or efforts in other branches of law are ineffective or are considered ineffective. Therefore, its use must be limited. If there is still another way, do not use criminal law. Examination of violations committed by a Notary must be carried out in a holistic-integral manner, by looking at the external, formal, and material aspects of the Notary's deed, and the implementation of the Notary's duties according to the Notary's authority, in addition to being based on legal regulations that regulate violations committed by Notaries, it also needs to be combined with the reality of Notary practice.

The basic principle of criminal liability for a notary is if a notary commits a deviation from a deed he has made, which results in a criminal case, then the notary must be held criminally responsible for what he has done. Criminal liability arises with the continuation of objective criticism of an act that is stated as a crime based on the applicable Criminal Law, and subjectively to the perpetrator who meets the requirements to be subject to criminal liability for his actions.

According to the theory of responsibility, the principle of responsibility based on fault of liability is a fairly common principle in criminal and civil law. In the Civil Code, especially articles 1365, 1366, and 1367, this principle is firmly held. This principle states that a person can only be held legally responsible if there is an element of error that he/she has committed. A notary is criminally responsible when in the process of proving that the notary is proven to have committed a crime or error. Holding someone accountable in criminal law does not only mean that it is legal to impose a penalty on that person but it can also be fully believed that it is indeed appropriate to ask for criminal responsibility, firstly, it is the condition that exists in the person who committed a crime. For the sake of upholding the law, a notary must comply with the criminal provisions as regulated in the Criminal Code, and in its implementation, considering that a notary commits an act in his/her official capacity to distinguish it from the actions of a notary as a legal subject. Article 50 of the Criminal Code provides legal protection for notaries, which states that anyone who commits an act to carry out statutory regulations may not be punished. The application of Article 50 of the Criminal Code to notaries does not merely protect notaries to free them from

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<sup>14</sup>Sudarto, 1988, Criminal Law I, Lecture Materials Provision Agency, Faculty of Law, Diponegoro University, Semarang, p. 13

any criminal acts they have committed, but also to remember that notaries have the authority as regulated in the UUJN to determine whether the acts they have committed when making a notarial deed are in accordance with applicable regulations.

The Decision of the Slawi District Court Number 22/Pid.B/2023/PN Slw is one example that Notary M was not careful, because when making the deed, the Notary did not see the original evidence and the supporting documents. If the Notary was not careful when making the deed, many parties would be harmed, especially the plaintiff. The Notary in this case was not sentenced to criminal penalties because in the trial there was no evidence that Notary M had participated in committing a crime with the person appearing (L). Notary M was not legally and convincingly proven guilty of committing a crime as charged in Article 266 paragraph (1) of the Criminal Code in conjunction with Article 55 paragraph 1 point 1 of the Criminal Code. Notary M only made an authentic deed based on documents from the Person appearing (L). However, because he was not careful and thorough, the document used as the basis for issuing the deed was a fake document.

Responsibility Which owned by a Notary adheres to the principle of responsibility based on fault of liability, in making an authentic deed, a Notary must be responsible if the deed he made contains an error or violation that is intentional by the Notary. On the other hand, if the element of error or violation occurs from the parties appearing, then as long as the Notary exercises his authority according to the regulations. The Notary concerned cannot be held responsible, because the Notary only records what is conveyed by the parties to be stated in the deed. False information conveyed by the parties is the responsibility of the parties.<sup>15</sup>

The Notary's accountability regarding the implementation of his/her official authority is aimed at ensuring legal certainty regarding the deeds he/she has made. Because legal certainty requires legal regulation efforts in legislation made by authorized and authoritative parties, so that the regulation has a legal aspect that can guarantee legal certainty.

### **3.2. Legal protection for notaries against falsification of inheritance certificate documents by heirs**

The existence of a Notary whose function is as a public official in the Notary Law, in carrying out all its functions of providing services to the community, needs to obtain legal protection and guarantees in order to achieve legal certainty. The Notary's rights that must be respected, protected and obeyed are a form of legal protection for the notary's rights as a public official and the result of the transformation of interests carried out through the legislative process in

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<sup>15</sup>Andi Mamminanga, Implementation of the Authority of the Regional Notary Supervisory Board in the Implementation of Notary Duties based on UUJN, Thesis, Faculty of Law, Gajah Mada University, Yogyakarta, 2008, p. 32.

maintaining the legal form or parliament. Several articles that provide legal protection for notaries are:

1. In Article 66 paragraph (1), the Notary Law regarding the taking of minutes of deeds and summoning of Notaries has regulated the form of legal protection that can be given to Notaries who carry out their duties as officials, namely:<sup>16</sup>

1) For the purposes of the judicial process, investigators, public prosecutors or judges with the approval of the Notary Honorary Council have the authority to:

a. Take a photocopy of the minutes of the deed and/or letters attached to the minutes of the deed or Notary Protocol in the Notary's storage.

b. Summoning a Notary to attend an examination relating to a deed he has made or a Notarial Protocol which is in the Notary's custody.

2) The taking of photocopies of the minutes of the deed or letters as referred to in paragraph (1) letter a, shall be followed by a report of the handover.

2. Furthermore, based on Article 4 concerning the notary's oath of office and the notary's obligations in Article 16 paragraph (1) letter e of the Notary Law, notaries are required not to speak, even in court, meaning that a notary is not permitted to provide testimony/information regarding the contents contained in the deed. Referring to the explanation in Article 16 paragraph (1) letter (f) of the Notary Law, namely that a Notary not only has the right to speak, but also has the obligation not to speak. This explanation can be concluded that a Notary has the right to keep confidential everything regarding the deed he has made and all information obtained for the purpose of making the deed in accordance with the notary's oath of office.

3. Notary's Right to Refuse as regulated in: 1) Article 170 of the Criminal Procedure Code; 2) Article 19019 number 3 of the Civil Code; 3) Article 146 paragraph (1) number 3 HIR; 4) Article 277 HIR; 5) Article 4 of the National Civil Procedure Code and Article 16 paragraph (1) letter e of the National Civil Procedure Code.

4. Supreme Court Decision Number. 702K/SIP/1973, Jurisprudence that can be used as a basis for consideration in several cases related to criminal acts faced by notaries, namely in this case stating that a notary's function is only to record/write down what is desired and stated by the parties who appear before the notary.

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<sup>16</sup>Enggarwati, 2015 Criminal Liability and Legal Protection for Notaries Examined by Investigators in Criminal Acts of False Information in Authentic Deeds, Brawijaya University Malang, <http://hukum.studentjournal.ub.ac.id/index.php/hukum/article/view/1394/1264>, p. 15.



5. Article 50 of the Criminal Code provides confirmation by providing legal protection for Notaries, which states that anyone who commits an act to carry out the provisions of the law, may not be punished. The meaning of what is stated in Article 50 of the Criminal Code regarding notaries is not merely to protect Notaries to free them from any criminal acts they have committed, but considering that Notaries have the authority as regulated in the UUJN whether the acts they have committed when making a Notarial deed are in accordance with applicable regulations.<sup>17</sup>

So it is concluded that if the deed made before a notary later has problems, then the matter will be entirely the responsibility of the parties, the notary cannot be involved because the notary is not a party to the deed. In addition, the Notary in his capacity as a public official who represents and acts for and on behalf of the state, then it is only natural Notaries are given special rights such as the right to deny and Legal Protection the obligation to deny is as a means of legal protection for notaries, especially from the criminal process. This is also reinforced by Article 50 of the Criminal Code (KUHP) which states that anyone who commits an act to implement the provisions of the law will not be punished. In the form of legal protection for notaries according to the Notary Honorary Council or hereinafter abbreviated as MKN, if based on Article 66 paragraph 1, if they want to summon a Notary, the police, prosecutors, or judges must obtain approval from the MPD or the Regional Supervisory Council, because without approval from the MPD, investigators cannot directly summon or examine the Notary, in terms of the handling procedures and procedures for summoning a Notary which have been regulated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.03.HT.10. Year 2007 concerning the Collection of Minutes of Deeds and Summoning Notaries. If there is a Notary who is suspected of committing a criminal offense related to the deed he made, then the investigator who wants to summon the Notary must first submit a request for approval to the MPD, and in this case the MPD is authorized to first hold a hearing to examine the Notary. In the hearing, the Notary will be examined in relation to the alleged criminal offense he has committed in relation to the deed he made.<sup>18</sup>

The position of the MKN in providing legal protection for Notaries is an independent institution, because in this case the existence of the MKN is not a sub-section of the government that appointed it. The MKN in carrying out its authority to issue a decision is not influenced by other parties or institutions, so that in this case the decision produced by the MKN cannot be challenged. In accordance with the law (Article 66 paragraph (3) 149 UUJN-P), namely the MKN

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<sup>17</sup>Hilda Sophia Wiradiredja, 2016, Criminal Liability of Notaries in Making Deeds Based on False Information Related to Law Number 30 of 2004 Concerning the Position of Notaries in conjunction with Law Number 2 of 2014 and the Criminal Code, *Jurnal Wawasan Yuridika*, p.81

<sup>18</sup>Khoirotul Ummah, 2022, Legal Protection for Notaries in Making Deeds Based on False Information from the Parties, *ACADEMOS: Journal of Law and Social Order*, Volume 1 Number 1, p.29

has a period of 30 days in providing written approval or not providing approval to the investigator since receiving the letter of request from the investigator. If there is no response within that time period, the honorary council is deemed to have approved the request (Article 66 paragraph (4) UUJN-P).<sup>19</sup>

Based on the description above, with the existence of a form of protection and a clear scope of authority from the MKN institution, it is expected to provide clarity in providing legal protection for the Notary institution, and can emphasize the existence of the MKN institution. This also aims to ensure that the Notary institution is not easily blamed by other parties regarding the deeds made by the Notary. Criminal Liability for Notaries for Deeds Made Based on False Information from the Parties Notaries in making authentic deeds are required to be truly responsible for the deeds they make when a dispute occurs in the future. The responsibility of a notary in criminal cases, especially in the process of proof in court, can occur to every notary when there is a problem, thus requiring the notary to provide information and testimony related to the formal and material aspects of the contents of the deed.

#### **4. Conclusion**

The notary's responsibility for the forgery of the inheritance certificate document by the heir, namely the Notary in this case cannot be held criminally responsible as in the charges, because in the trial there was no evidence found that Notary M participated in committing the crime with the party appearing (L). Notary M was not proven legally and convincingly guilty of committing a crime as charged in Article 266 paragraph (1) of the Criminal Code in conjunction with Article 55 paragraph 1 point 1 of the Criminal Code. Notary M only made an authentic deed based on the document from the Party appearing (L). However, due to lack of thoroughness and care, the document used as the basis for issuing the deed was a fake document. The responsibility held by the Notary adheres to the principle of responsibility based on fault of liability, in making an authentic deed, the Notary must be responsible if the deed he made contains an error or violation that was deliberate by the Notary. On the other hand, if the element of error or violation occurs from the parties appearing, then as long as the Notary carries out his authority in accordance with the regulations. The Notary concerned cannot be held responsible, because the Notary only records what is conveyed by the parties to be stated in the deed. False information submitted by the parties is the responsibility of the parties. Legal protection for notaries against falsification of inheritance certificate documents by heirs, namely notaries, is given special rights such as the right to deny. Legal protection for the obligation to deny is a means of legal protection for notaries, especially from the criminal process. This is also reinforced by Article 50 of the Criminal Code (KUHP) which states that

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<sup>19</sup>Hilda Sophia Wiradiredja, 2016, Criminal Liability of Notaries in Making Deeds Based on False Information Related to Law Number 30 of 2004 Concerning the Position of Notaries in conjunction with Law Number 2 of 2014 and the Criminal Code, Jurnal Wawasan Yuridika, p. 81

anyone who commits an act to implement the provisions of the law will not be punished. In the form of legal protection for notaries according to the Notary Honorary Council, if based on Article 66 paragraph 1, if you want to summon a Notary, the police, prosecutors, or judges must obtain the approval of the MPD or the Regional Supervisory Council, because without the approval of the MPD, the investigator cannot directly summon or examine the Notary. The position of the MKN in providing legal protection for Notaries is an independent institution, because in this case the existence of the MKN is not a sub-part of the government that appoints it. In exercising its authority to issue a decision, the MKN is not influenced by other parties or institutions, so that in this case the decision made by the MKN cannot be challenged.

## **5. References**

### **Journal :**

- Andi Mamminanga, Implementation of the Authority of the Regional Notary Supervisory Board in the Implementation of Notary Duties based on the UUJN, Thesis, Faculty of Law, Gajah Mada University, Yogyakarta, 2008.
- Ary Yuniastuti, Jawade Hafidz, Legal Review of the Invalidity of Deeds and Notary's Liability, *Jurnal Akta*, Volume 4 Number 2 June 2017.
- Dimas Agung, Ahmad Khisni, Legal Consequences of Private Deeds Legalized by a Notary, *Jurnal Akta*, Vol. 4 No. 4 December 2017.
- Erina Permatasari, Lathifah Hanim, The Role and Responsibility of Notaries in the Implementation of Registration of Limited Liability Companies Through an Online System, *Jurnal Akta*, Volume 4 Number 3 September 2017.
- Hilda Sophia Wiradiredja, 2016, Criminal Liability of Notaries in Making Deeds Based on False Information in Connection with Law Number 30 of 2004 Concerning the Position of Notaries in conjunction with Law Number 2 of 2014 and the Criminal Code, *Jurnal Wawasan Yuridika*.
- Irma Garwan, Zarisnov Arafat, and Kristiani, 2021, Notary's Responsibility for Inheritance Certificates That Cause Disputes in the Distribution of Inheritance Assets Reviewed from Law Number 2 of 2014 Concerning Amendments to Law Number 30 of 2004 Concerning the Position of Notary, *Jurnal Justisi Hukum*, Volume 6, Number 1.
- Khoirotul Ummah, 2022, Legal Protection for Notaries in Making Deeds Based on False Information from the Parties, *ACADEMOS: Journal of Law and Social Order*, Volume 1 Number 1.
- Nawaaf Abdullah, Munsyarif Abdul Chalim, Position and Authority of Notary in Making Authentic Deeds, *Jurnal Akta*, Vol. 4 No. 4 December 2017.
- Rizki Nurmayanti, Akhmad Khisni, The Role and Responsibilities of Notaries in the Implementation of Deed Making, *Jurnal Akta*, Vol. 4 No. 4 December 2017.
- Said Ali, Wira, Legal Protection for Heirs Against Inheritance That Transfers Without the Consent of All Heirs, *Journal of Law & Notary Student Affairs*, Volume 1, Number 1, December 2021.

Setya Qodar Al-Haolandi, Danu Anindhito Kuncoro Putro, Sukarmi, The Role of Notaries in the Distribution of Inheritance Based on Western Inheritance Rights with the Role of Religious Courts in the Distribution of Inheritance Based on Islamic Inheritance Rights, *Jurnal Akta*, Unissula Semarang, Volume 5 Number 1 January 2018.

Sri Utami, Legal Protection for Notaries in Criminal Justice Processes According to Law Number 2 of 2014, concerning Amendments to Law Number 20 of 2004 concerning the Position of Notaries, *Jurnal Repertorium*, January 2015 Edition.

**Book :**

GHS Lumban Tobing, 1999, *Notary Regulations*, Erlangga, Jakarta.

Habib Adjie, 2013, *Civil and Administrative Sanctions Against Notaries as Public Officials*, Refika Aditama, Bandung.

Putri AR, 2011, *Legal Protection for Notaries (Indicators of Notary Duties that Implicate Criminal Acts)*, Softmedia, Medan.

Sudarto, 1988, *Criminal Law I, Lecture Materials Provision Agency*, Faculty of Law, Diponegoro University, Semarang.

**Legislation:**

The 1945 Constitution of the Republic of Indonesia.

Criminal Code.

Law Number 1 of 1974 concerning Marriage

Law Number 5 of 1960 concerning Basic Agrarian Principles.

Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary.

Government Regulation Number 24 of 1997 concerning Land Registration.

Presidential Regulation of the Republic of Indonesia Number 20 of 2015 concerning the National Land Agency.

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21 of 2020 concerning Handling and Settlement of Cases and jurisprudence.

Compilation of Islamic Law.