



Normative Legal Analysis of Notary Code of Ethics: Improving Legal Professional Ethical Standards

Wakhid Prasetyo

Notarial Masters Program, University of Surabaya, Indonesia. E-mail: wakhid.prasetyo23@gmail.com

ARTICLE INFO

Keywords:

*Legal Professional Ethics;
Notary Code of Ethics;
Notary Professional Ethical
Standards;*

Article history:

*Received Jun 26, 2024;
Revised Jul 06, 2024;
Accepted Jul 20, 2024;
Online Jul 30, 2024.*

ABSTRACT

The notary profession plays a critical role in a country's legal system, requiring notaries to adhere to the highest ethical standards to maintain integrity, professionalism, and public trust. This research aims to analyze the gap between the existing notary code of ethics and the expected ethical standards. Using a normative legal approach, the study examines primary legal materials, including statutory regulations, ethical guidelines, and relevant court decisions, as well as secondary legal sources. The research findings reveal several gaps between the current notary code of ethics and the anticipated ethical standards. One significant gap is the lack of firm regulations addressing potential conflicts of interest that may arise in notarial practice. Additionally, the study identified differences in the enforcement of ethical sanctions and complaint mechanisms for code of ethics violations. These findings underscore the importance of strengthening the notary code of ethics to ensure alignment with the profession's expected ethical standards. By addressing these gaps, the notary profession can further enhance its integrity, professionalism, and the public's trust in the legal system. The study's insights can inform policymakers and regulatory bodies in their efforts to refine and reinforce the ethical framework governing the notary profession.

This is an open access article under the [CC BY-NC](#) license.



Corresponding Author:

Wakhid Prasetyo,
Notarial Masters Program,
University of Surabaya,
Jl. Raya Kalirungkut, Kali Rungkut, Kec. Rungkut, Surabaya, Jawa
Timur 60293, Indonesia
Email: wakhid.prasetyo23@gmail.com

1. Introduction

A notary is a formal term for someone who has received formal education regarding the law and is authorized by the government to carry out legal acts, therefore the Notary profession is called official nobile. The reason for the emergence of this term is that the notary profession is essentially related to humanity. A Notarial Deed can be used as a legal tool to prove personal property, rights, and obligations. Errors in a Notary's License can result in the loss of a person's rights burdens or obligations (Hermawan & Sugiarto, 2023).

The notary profession plays an important role in the legal system in many countries, including Indonesia. Notaries are tasked with executing authentic deeds, providing guarantees of legal certainty, and protecting the interests of the parties involved in legal transactions (Christian, 2020). In carrying out their duties, notaries are expected to follow high ethical standards to maintain integrity, professionalism, and public trust in the notary profession. In the world of notarial practice, notary ethical standards have been outlined in the Notary Code of Ethics determined by the Indonesian Notary Association (INI). They must be adhered to by all Notaries. The Code of Ethics must self-regulate the profession and its implementation (Prasetyawati & Prananingtyas, 2022).

A notary is generally required to comply with the Notarial Law and the Notarial Code when performing his duties and functions. This ensures that the notary always follows the procedures set out in the Notarial Law and the Notarial Code and provides legal certainty for all parties involved in a contract. The notary is fully responsible for every task entrusted to him by his client (Kamran et al., 2024). Indonesian notaries face the challenge of balancing their ethical obligations with their professional development needs (Widyantoro et al., 2022). This balancing act is essential to ensure that notaries maintain professional integrity, uphold ethical standards, and simultaneously advance their profession (Hidayat & Badriyah, 2023). However, in some cases, there are ethical violations committed by notaries. These violations may include dishonest acts, abuse of authority, or non-compliance with the ethical principles expected of a notary (Safitri & Putrijanti, 2023; Sinaga, 2020). This raises doubts about the integrity of the notary profession and can damage public confidence in notary services.

During the first quarter of 2022, the East Java Regional Office of the Ministry of Law and Human Rights through the Notary Honorary Council (MKN) and the Regional Supervisory Council (MPW) received complaints against 67 notaries. Notaries are suspected of violating the notary's code of ethics or other violations in carrying out their duties. This number is said to be a third of the total notary complaints last year. In 2021 there will be 154 requests for notary examination. Meanwhile, as of March 2022, there have been 55 requests submitted to the Notary Honorary Council regarding notary examinations (JawaPos.com, 2022).

The purpose of the Notarial Code is to align the conduct of notaries with the ethical values of the profession. However, there are concerns that it has not been fully effective in raising ethical standards in the legal profession, as evidenced by cases of ethical violations. This highlights the need for a Notarial Code to ensure that the notarial profession is practiced with professional competence, rational and critical reasoning, and a strong commitment to ethical values (Yustica et al., 2020).

Previous studies have examined the role of the notary professional code of ethics as an integral part of regulating the behavior of law enforcers, where moral integrity is essential for notaries to carry out their professional duties and ensure good and fair law enforcement (Yustica et al., 2020). A comparative study of notary codes of ethics in Indonesia, Georgia, the United States, and Quebec, Canada shows that the substance contained in the Notary Code of Ethics of the Indonesian Notary Association is about obligations, prohibitions, sanctions and procedures for enforcing the notary's code of ethics. The substance regulated in the notary code of ethics in the State of Georgia, United States is about the notary's authority, the notary's obligations, and the relationship between the notary and other parties. The main substance contained in the Code of Ethics of Notaries in the Province of Québec, Canada is about the obligations and responsibilities of notaries in carrying out their obligations. The substance of the code of ethics listed in the three notary codes of ethics above is the same, namely that it contains the obligations of notaries. Meanwhile, what is different is related to prohibitions, sanctions and enforcement procedures (Salim et al., 2020; Sinaga, 2020).

Based on previous research, the main difference between the Notary Code of Ethics in Indonesia and other countries such as Georgia, America, and Quebec, Canada is that the Notary Code of Ethics in Indonesia tends to be broader and more comprehensive, covering various aspects of notarial practice, while in other countries it may focus more on areas -certain areas. In addition, there are differences in terms of enforcement mechanisms, sanctions, and complaint procedures for violations of the code of ethics. Some countries may have a more firm and transparent system for handling ethical violations. One of the significant gaps in the Code of Ethics for Notaries in Indonesia is the lack of strict regulations addressing potential conflicts of interest that may arise in notarial practice. This is different from other countries, where there may be more comprehensive regulations regarding the handling of conflicts of interest by notaries. In addition, there are differences in the enforcement of ethical sanctions and complaint mechanisms for violations of the Code of Ethics in Indonesia. This may differ from other countries which may have more effective enforcement and complaints systems. By taking lessons from practices in other countries, Indonesia can strengthen the Notary Code of Ethics so that it can be more effective in maintaining integrity, professionalism, and public trust in the notary profession.

The Notary Code of Ethics in regulating notary behavior is currently not fully effective in regulating notary behavior in Indonesia. Several findings show that there is still a gap between the current notary code of ethics and the ethical standards expected from the notary profession. One significant gap is the lack of strict regulations regarding potential conflicts of interest in notarial practice. There are differences in the application of ethical sanctions and complaint mechanisms for violations of the code of ethics. This shows that enforcement of the code of ethics has not been consistent. Cases of ethical violations by notaries, such as dishonest acts, abuse of authority, or non-compliance with ethical principles, still occur. This creates doubts about the integrity of the notary profession and can damage public trust.

Obstacles in implementing the Notary Code of Ethics in Indonesia include: a lack of strict regulations in regulating potential conflicts of interest that may arise in notarial practice, differences in the application of ethical sanctions and complaint mechanisms for violations of the code of ethics, which shows that enforcement is not yet consistent, there are still cases Ethical violations by notaries, which create doubts about the integrity of the profession and reduce public trust, challenges for notaries in balancing their ethical obligations with their professional development needs.

The purpose of this study is to explore the need for improving ethical standards in the legal profession, particularly in the context of the Notarial Code of Ethics. The aim is to identify the gap between the desired ethical standards and the actual practice of the notarial profession. The study reviews existing regulations, common notarial practices, and cases of violations of the Code of Ethics to understand the gap between the expected and actual ethical standards of the notarial profession.

Based on the background of the problems above, the problem studied in this paper is whether the Notary Code of Ethics is adequate in regulating the behavior of notaries and how to improve ethical standards in the practice of the notary profession?

2. Method

The research method used in this case is normative legal research, namely research carried out to collect and analyze secondary data: books, diaries, statutory regulations, court decisions, legal theory and legal expert opinions (Marzuki, 2017). The legal approach used is a law-based approach and a conceptual approach. A legislative approach is used to determine legal principles that are relevant and capable of being applied in this situation (Marzuki, 2017). The

statutory approach is an interpretation method that originates from statutory regulations, namely Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 (hereinafter referred to as UUJN) and the Notary's Code of Ethics, and its relation to research problems, namely Law on Notary Positions. This legislative approach allows researchers to carry out a normative analysis of the notary's code of ethics and compare it with the ethical standard expectations that notaries should apply in carrying out their duties and responsibilities. Furthermore, the conceptual approach is a method that is based on the legal opinions of legal experts who understand the problem being studied (Marzuki, 2017).

Primary data sources are laws and regulations related to notaries in Indonesia, such as the Notary Position Law and the Notary Code of Ethics. Secondary data sources are books, journals, and scientific articles related to notary professional ethics and enforcement of the notary code of ethics, and news and mass media articles related to cases of violations of the notary code of ethics. The data collection technique uses documentation studies by collecting and studying statutory regulations, notary professional ethics guidelines, books, journals, and relevant scientific articles.

The analysis technique uses qualitative analysis, which involves systematic processing and analysis of information based on secondary data collected, such as legislation, notary codes of ethics, books, journals, scientific articles, and media news, which will be analyzed in depth to understand problems and issues. -issues related to enforcing the notary's code of ethics. Qualitative data analysis is carried out dynamically because each step is carried out sequentially and is related to the previous step. The data that has been analyzed will then be drawn directly to conclusions, which is a method of thinking that involves concluding specific knowledge into general facts

3. Analysis and Results

This section explains in detail several issues with the notary's code of ethics in following high ethical standards to maintain integrity, professionalism, and public trust in the notary profession. This research aims to analyze the gap between the existing notary code of ethics and the expected ethical standards.

3.1. The gap between ideal ethical standards in the Notary Profession and the practice of the notary code of ethics

The notary profession in Indonesia is regulated in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notaries (hereinafter referred to as UUJN). Apart from that, the notary profession is also bound by the Notary Code of Ethics established by the Indonesian Notary Association (INI). According to UUJN, notaries have the obligation to: (a) Act honestly, thoroughly, independently, impartially, and safeguard the interests of parties involved in legal actions (Article 16 paragraph 1 letter a). (b) Maintain confidentiality of the deed he or she makes and all information obtained for the purpose of making the deed (Article 16 paragraph 1 letter f). (c) Have no conflict of interest with parties involved in legal actions (Article 17 paragraph 1 letter e).

The Notary's Code of Ethics, hereinafter referred to as the code of ethics, is all the moral rules determined by the Association of Indonesian Notary Associations, hereinafter referred to as the "Association" based on the decision of the Association's Congress and/or as determined by and regulated in the laws and regulations which regulate this matter and which applies to and must be obeyed by each and all members of the Association and all people carrying out the duties of a Notary, including Temporary Notary Officials, Substitute Notaries and Special Substitute Notaries (Indonesian Notary Association, 2015).

The Notary Code of Ethics is a document that contains ethical principles and standards that must be followed by notaries in carrying out their profession. This code of ethics functions as a guide for notaries in making decisions and behaving in carrying out their duties (Prasetyawati & Prananingtyas, 2022). The existence of a notary code of ethics has an important role in maintaining the integrity and professionalism of the notary profession. The notary's code of ethics functions as a distinction between the notary profession and other professions, as well as being a guideline for notaries in their attitude and behavior. Through a code of ethics, the notary profession can maintain the dignity and honor of its profession and maintain public trust in the notary profession (Christian, 2020).

With the existence of a notary code of ethics, it is hoped that the behavior of notaries in carrying out their profession can be directed and in accordance with the noble values of the notary profession. The notary's code of ethics also functions as a means of monitoring notary behavior, so as to minimize abuse of authority or violations committed by notaries. The main objective of the Notary Code of Ethics is to protect the public interest, maintain the trust and integrity of the notary profession, and ensure that notaries act fairly, honestly and professionally in serving the public. This Code of Ethics also provides clear guidelines for notaries in dealing with various situations that may arise in notarial practice. Through the Notary Code of Ethics, it is hoped that notaries will maintain the high quality of legal services, uphold the values of justice, and act as protectors and guardians of the interests of all parties involved in legal transactions (Ozora et al., 2023).

In the changes to the Notary Code of Ethics at the Extraordinary Congress of the Indonesian Notary Association which was held in Banten in May 2015, several provisions related to the notary code of ethics were explained which include Obligations, Prohibitions, Exceptions and Sanctions. In Article 3 of the notary's code of ethics, it is explained that notaries are obliged to do so (Indonesian Notary Association, 2015): (a) Have good morals, morals and personality; (b) Respect and uphold the honor and dignity of the Notary's position; (c) Maintain and defend the honor of the association; (d) Honest, independent, impartial, trustworthy, fellow, full of responsibility based on statutory regulations and the contents of the Notary's oath of office; (e) Increasing professional knowledge and skills is not only limited to legal and notarial knowledge; (f) Prioritize service to the interests of society and the state; (g) Providing services for making deeds and other authorities for poor people without collecting an honorarium; (h) Establish an office at its place of residence and that office is the only office for the Notary concerned in carrying out his/her daily office duties; (i) Install 1 (one) nameplate in front of/in the office environment measuring 100 cm x 40 cm, 150 cm x 60 cm or 200 cm x 80 cm containing: Full name and legal title; Date and number of the last letter of appointment as Notary; Domicile; Office address and telephone/fax number;

The base of the nameplate is white with black letters and the writing on the nameplate must be clear and easy to read. Unless in an office environment it is not possible to put up the nameplate in question. (a) Attend, participate and play an active role in activities organized by the association; (b) Respect, obey, implement association rules and decisions; I. (c) Pay association dues in an orderly manner; (d) Paying condolence money to help the heirs of a colleague who has died; (e) Implement and comply with all provisions regarding honorarium determined by the association; (f) Carrying out the duties of a Notary in his position, unless there are certain reasons; (g) Creating an atmosphere of family and togetherness in carrying out office duties and daily activities as well as treating colleagues well, respecting each other, respecting each other, helping each other and always trying to establish communication and friendship; (h) Treating every client who comes well and not discriminating against their

economic and/or social status; (i) Make deeds within reasonable limits to implement statutory regulations, especially the Law on Notary Positions and the code of ethics.

In addition to the obligations above, Article 4 of the Notary Code of Ethics explains that Notaries are prohibited from: (a) Having more than 1 office, both branch offices and representative offices; (b) Install a nameplate and/or writing that says "Notary/Notary Public Position" outside the office environment; (c) Carrying out self-publication or promotion, either individually or collectively, by including their name and position, using print and/or electronic media in the form of: Advertisement; Congratulations; Condolences; Thank-you note; Marketing activities; Sponsored activities, both in the social, religious and sports fields; (d) Collaborating with service bureaus/persons/legal entities who essentially act as intermediaries to find or obtain clients; (e) Signing a deed whose drafting process has been prepared by another party (f) Sending minutes to clients for signature; (g) Trying or trying in any way to get someone to move from another Notary to him, whether the effort is aimed directly at the client concerned or through the intermediary of another person; (h) Forcing the client by withholding the documents that have been submitted and/or applying psychological pressure with the intention of making the client continue to make the deed to him; (i) Carrying out efforts, either directly or indirectly, that give rise to unhealthy competition with fellow Notaries; (j) Determine the honorarium that must be paid by the client in an amount lower than the honorarium that has been determined by the association; (k) Deliberately employing people who are still employees at another Notary's office without prior approval from the Notary concerned, including accepting work from employees of another Notary's office; (l) Disrespecting and/or questioning fellow Notaries or the deeds they make. In the event that a Notary discovers and/or discovers that a deed made by a colleague turns out to contain serious errors and/or endangers his client, the Notary is obliged to inform the colleague concerned about the mistakes he has made in a way that is not patronizing, but to prevent things that are dangerous. undesirable by the client concerned or co-workers; (m) Not carrying out obligations and violating the prohibitions as intended in the Code of Ethics by using electronic media, including but not limited to the use of the internet and social media; (n) Forming an exclusive peer group with the aim of serving the interests of an agency or institution, moreover eliminating the possibility of other Notaries participating; (o) Using and including titles that are not in accordance with applicable laws and regulations; (p) Make a deed that exceeds the reasonable limit, the amount of which is determined by the honorary council; (q) Participate in an auction to obtain work/deed of manufacture.

Based on the Notary's Code of Ethics, it can be summarized that the Notary's Code of Ethics sets out more detailed ethical standards, including: (a) Ethics towards oneself, such as maintaining honor and dignity, and upholding morality. (b) Ethics towards clients, such as maintaining confidentiality, avoiding conflicts of interest, and providing professional services. (c) Ethics towards fellow notaries, such as respecting each other and not putting each other down. (d) Ethics towards professional organizations, such as complying with organizational regulations and helping to achieve organizational goals. (e) Ethics towards society, such as providing the best service and not harming the public interest.

Basically what can be applied to the Notary profession in relation to existing professional ethics is being responsible and not violating the rights of other people or other parties. The role of ethics is becoming increasingly important in order to perfect humans and life. Notaries who pay attention to ethics will immediately comply with applicable regulations, but on the other hand, if the Notary only pays attention to and obeys statutory regulations, it is possible that the Notary will violate professional ethics which will harm other rights (Shodiq & Oktarina, 2022).

Based on UUJN and the Notary Code of Ethics, it can be concluded that ideal ethical standards in the notary profession include integrity, objectivity, competence, confidentiality and social responsibility. Even though ideal ethical standards have been established in statutory regulations and the Notary Code of Ethics, in practice there are still various cases of ethical violations committed by notaries. Some examples of cases of violations of notary ethics include: 1) Forgery of documents. Several cases show that notaries were involved in falsifying documents, such as company establishment deeds, power of attorney, or land certificates, or buying and selling shares (Safitri & Putrijanti, 2023); 2) Conflict of interest. Notaries are involved in transactions that involve their personal or family interests, giving rise to potential conflicts of interest (Wicaksono, 2023); 3) Abuse of authority. Notaries abuse their authority, such as making deeds outside their work area or accepting clients outside working hours (Sudomo et al., 2023); 4) Breach of confidentiality. The notary leaks the client's confidential information or violates the principle of confidentiality in making the deed (Christian, 2020); 5) promotion. Notaries violate the notary's code of ethics by announcing and promoting themselves as Notaries and the services they provide through social media such as Instagram (Vigo & Prihatini, 2021).

Even though the notary's code of ethics has been regulated comprehensively, in practice there are still several problems related to the implementation of the notary's code of ethics. Based on research, several problems were found, including: notaries' understanding of the code of ethics itself. Not all notaries understand in depth the notary's code of ethics and the obligations that must be adhered to. This can be caused by a lack of socialization and training regarding the notary code of ethics provided by the Indonesian Notary Association (INI) as the notary professional organization. Notaries' low understanding of the code of ethics can have an impact on notary behavior in carrying out their profession. Notaries can violate the code of ethics without realizing it, which can harm society and the image of the notary profession as a whole (Nadia et al., 2021).

Another problem in implementing the notary's code of ethics is related to monitoring violations of the code of ethics. Supervision of the behavior of notaries in carrying out their profession is regulated in statutory regulations, namely through the Notary Supervisory Council (MPN). However, in practice, the supervision carried out by MPN has not run optimally. This is caused by several factors, such as a lack of human resources in the MPN, a lack of budget, as well as weak coordination and synergy between the MPN and the notary professional organization (INI). As a result, violations of the code of ethics committed by notaries often go undetected or do not receive appropriate sanctions. This of course can cause harm to society and reduce public confidence in the notary profession (Nadia et al., 2021; Saly et al., 2023).

Apart from problems related to supervision, other problems that are also encountered in implementing the notary code of ethics are related to sanctions for violating the code of ethics. Sanctions given to notaries who violate the code of ethics are often considered inadequate or do not provide a sufficient deterrent effect (Nadia et al., 2021; Saly et al., 2023). Articles 37 and 54 Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 (hereinafter referred to as UUJN) states that sanctions that can be given to notaries who violate the code of ethics include: (a) Verbal warning (b) Written warning (c) Temporary suspension (d) Dismissal with honor (e) Dismissal without honor

However, in practice, these sanctions often do not provide a sufficient deterrent effect for notaries who commit violations. This can be caused by several factors, such as low legal awareness of notaries, weak law enforcement, and lack of coordination between MPN and INI in implementing sanctions for violating the code of ethics (Saly et al., 2023).

The Notary Code of Ethics has several limitations that can affect notary behavior. First, the Notary Code of Ethics does not contain clear and specific rules for every situation faced by notaries. Second, the Notary Code of Ethics does not contain adequate rules to regulate notary behavior in complex situations. Third, the Notary Code of Ethics does not contain adequate rules to regulate notary behavior in different situations.

For example, article 37 UUJN based on research conducted by Florence Permenta Br Manik states that in principle notaries can provide free legal assistance to people who cannot afford it on a voluntary basis, not based on obligations based on law which has sanctions against the notary. If notaries are required to provide free legal assistance to underprivileged people in their work area by imposing sanctions on notaries who do not do so, then the provisions of Article 37 UUJN and Article 3 number 7 of the notary code of ethics are seen as coercion or pressure on notaries to provide legal assistance only -just that. This certainly violates the human rights of notaries to carry out their profession and earn a living based on the independence of notaries who finance their duties and obligations at their own expense. Notaries who are required to provide free legal assistance to underprivileged people by UUJNP and the Notary Code of Ethics are seen to have neglected their rights in terms of carrying out professional duties and in terms of earning a living which is guaranteed in the 1945 Constitution, where the right to earn livelihood and a decent life are guaranteed by law. Therefore, the provisions of Article 37 UUJNP and Article 3 point 7 of the Notary Code of Ethics are deemed unfair to notaries who are trying to carry out their profession and in terms of earning a living to meet the needs of their lives and the families they have to support (Manik, 2021).

Based on this research, it shows that the limitations of the Notary Code of Ethics can influence notary behavior and can cause several negative impacts. First, the limitations of the Notary Code of Ethics can make it difficult for notaries to make decisions and behave in carrying out their duties. Second, the limitations of the Notary Code of Ethics can make it difficult for notaries to deal with complex and diverse situations. Third, the limitations of the Notary Code of Ethics can make it difficult for notaries to improve ethical standards in the practice of the notary profession.

3.2. Increasing ethical standards in the practice of the notary profession

As a profession closely related to public legal services, notaries have great ethical responsibilities. Several efforts that can be made to improve ethical standards in notary practice include:

a. Strengthening the Notary Code of Ethics

The notary's code of ethics needs to be reviewed and updated periodically to ensure its relevance to current developments. Codes of ethics should include more comprehensive standards of conduct, not only regarding personal integrity, but also professional responsibilities and relationships with clients. According to Prasetyawati & Prananingtyas (2022), the notary's code of ethics must play a role in building notary integrity in the 4.0 era. The Code of Ethics must be a self-regulation of the profession and its implementation. The start of the industrial revolution 4.0 brought many changes to the world, the Ministry of Industry has massively and comprehensively made business processes simpler, faster, easier and cheaper in order to realize Making Indonesia 4.0. Notaries are expected to actively participate in the electronically integrated licensing service process, or online single submission (OSS). The urgency of updating the notary's code of ethics for Indonesian notarial practice in the 4.0 era is to create notaries who have high integrity and morality in carrying out their official duties.

b. Implementation of an effective monitoring system

The government and notary professional organizations need to have a strict and transparent supervision system. Mechanisms for reporting ethical violations must be easily accessible to the public. Providing strict sanctions for ethical violations is also needed as a deterrent. According to Hasuri et al. (2020), the role of the Notary Supervisory Council is to carry out supervision over Notaries, so that in carrying out their duties they do not deviate from their authority and do not violate applicable laws and regulations and the Notary Supervisory Council has the authority to supervise, develop notaries and even impose sanctions on Notaries who are found to have violated the provisions.

Research result Pakarti & Erni (2022) shows that the effectiveness of the coordination of the Notary Honorary Council as an institution for enforcing the code of ethics for Notaries throughout Indonesia is still less effective. The Notary Honorary Council must have more active search authority by implementing a publicity theory monitoring system, which aims to ensure that the public will see notaries who comply with the code of ethics and those who do not comply with the code of ethics. So the existence of the Notary's Honorary Board will be further strengthened by carrying out preventive actions before violations of the notary's code of ethics occur, and tightening supervision from all internal supervision stakeholders, which aims to protect the entire honor and dignity of the Notary profession, so that violations of the code of ethics can be prevented. minimize.

c. Increased awareness and loyalty of notaries

Increasing notary awareness and loyalty to the Notary Code of Ethics can be done in several ways. First, improve notary education and training regarding the Notary Code of Ethics. Second, increase notary supervision and oversight of the Notary Code of Ethics. Third, increase notary motivation and incentives to comply with the Notary Code of Ethics (Prasetyawati & Prananingtyas, 2022; Sinaga, 2020; Yustica et al., 2020).

As mentioned by Valerina JL Kriekhoff, quoted by Musdiyanti et al. (2022) that there are three responsibilities, namely: moral responsibility, professional technical responsibility and legal responsibility. The moral responsibility referred to is responsibility in accordance with the normative values that apply in the relevant professional environment (professional code of ethics), which can be personal or institutional (for an institution which is a bond/bond of the officials/professions concerned. Form Personal moral responsibility is awareness of conscience, while the form of institutional moral responsibility is organizational sanctions from the institution concerned Musdiyanti et al. (2022), there are 4 (four) main things related to the attitude and behavior of a Notary, namely: first, having strong moral integrity. second, be honest with clients and yourself. third, be aware of the limits of one's authority. fourth, do not work solely to serve based on money.

The Notary Code of Ethics has several limitations that can affect notary behavior. However, improving ethical standards in the practice of the notary profession can be done in several ways, such as strengthening the notary code of ethics, implementing an effective supervision system, increasing notary awareness and loyalty to the Notary Code of Ethics, increasing the notary's ability to deal with complex and different situations. different, improving the notary's ability to make decisions and behave in carrying out his duties. Therefore, efforts need to be made to improve ethical standards in the practice of the notary profession so that notaries can behave with high ethics and professionalism.

4. Conclusion

Based on UUJN and the Notary Code of Ethics, it can be concluded that ideal ethical standards in the notary profession include integrity, objectivity, competence, confidentiality and social

responsibility. Cases of ethical violations committed by notaries show that there is a gap between the ideal ethical standards that have been set and actual practice in the notary profession. The limitations of the Notary's Code of Ethics can influence notary behavior and can cause several negative impacts, including: notaries have difficulty making decisions and behaving in carrying out their duties, notaries have difficulty dealing with complex and different situations. And it is difficult for notaries to improve ethical standards in the practice of the notary profession.

Improving ethical standards in the practice of the notary profession is very important and can be done in several ways, such as strengthening the notary code of ethics, implementing an effective supervision system, increasing notary awareness and loyalty to the Notary Code of Ethics, increasing the notary's ability to deal with complex and different situations, improving the notary's ability to make decisions and behave in carrying out his duties. Therefore, efforts need to be made to improve ethical standards in the practice of the notary profession so that notaries can behave with high ethics and professionalism.

References

- Christian, A. (2020). Konflik Norma Berkaitan Dengan Hak Ingkar Dalam Jabatan Notaris Ditinjau Dari Undang-Undang Jabatan Notaris Dan Kode Etik Notaris. *Jurnal Education and development Institut Pendidikan Tapanuli Selatan*, 8(1), 89–98.
- Hasuri, H., Rokilah, R., & Pitasari, D. N. (2020). Peranan Majelis Pengawas Notaris Daerah terhadap Pelaksanaan Kode Etik Notaris di Kabupaten Serang. *Legalitas: Jurnal Hukum*, 12(2), 275. <https://doi.org/10.33087/legalitas.v12i2.223>
- Hermawan, A., & Sugiarto, A. (2023). Analisis Yuridis Terhadap Notaris Yang Publikasi Dan Promosi Diri Ditinjau Dari Kode Etik Di Kota Medan. *Jurnal Penelitian Bidang Hukum Universitas Gresik*, 12(2), 494–509.
- Hidayat, R. A. D., & Badriyah, S. M. (2023). Normative Juridical Analysis of Forgery of Authentic Deeds Carried Out By Notaries. *Awang Long Law Review*, 5(2), 624–630. <https://doi.org/10.56301/awl.v5i2.773>
- Ikatan Notaris Indonesia. (2015). *Perubahan Kode Etik Notaris Kongres Luar Biasa Ikatan Notaris Indonesia Banten, 29-30 Mei 2015*. Ikatan Notaris Indonesia.
- JawaPos.com. (2022). *Selama 2022, 67 Notaris Diduga Langgar Kode Etik*. <https://www.jawapos.com/berita-sekitar-anda/01379045/selama-2022-67-notaris-diduga-langgar-kode-etik>
- Kamran, M., Zainuddin, Rahman, S., & Pawennei, M. (2024). Notary'S Responsibility in the Exercise of Authority As an Authentic Deed Official. *Journal of Law and Sustainable Development*, 12(4), e3342. <https://doi.org/10.55908/sdgs.v12i4.3342>
- Manik, F. P. B. (2021). Sanksi Bagi Notaris Yang Menolak Memberikan Jasa Hukum Secara Cuma-Cuma Kepada Orang Yang Tidak Mampu. *Recital Review*, 3(1), 88–104.
- Marzuki, P. M. (2017). *Penelitian Hukum (Revisi)*. Kencana Pranada Media Group.
- Musdiyanti, W., Choiri, M., Oktafiana, N. D., Faulina, D. R., Rochmawati, D., & Imama, M. (2022). Etika Dan Pertanggungjawaban Moral Profesi Notaris (Kajian Undang-Undang No. 2 Tahun 2014 dan Kode Etik Notaris Tahun 2015). *Otentik's: Jurnal Hukum Kenotariatan*, 4(1), 12–28.
- Nadia, N., Rizanizarli, & Rinaldi, Y. (2021). Factors That Difficult The Law Enforcement Process To Notaries That Infringed Notices Code Of Ethics. *Jurnal IUS Kajian Hukum dan Keadilan*, 9(2), 332–350. <https://doi.org/10.29303/ius.v9i2.786>
- Ozora, A., Permana, C. T., Naully, E., Puteri, R. M., Eve, J., Boenni, N., Riyadi, S., & Ginting, P. (2023). Analisis Kode Etik Notaris Dalam Menjalankan Profesi. *Jurnal Pengabdian West Science*, 02(08), 661–673.
- Pakarti, T. A., & Erni, D. (2022). Jabatan Notaris Dan Kode Etik Notaris: Bagaimana Peran Dan Fungsi Dewan Kehormatan Notaris? *Kertha Semaya : Journal Ilmu Hukum*, 10(7), 1663. <https://doi.org/10.24843/ks.2022.v10.i07.p17>
- Prasetyawati, B. I., & Prananingtyas, P. (2022). Peran Kode Etik Notaris Dalam Membangun Integritas Notaris Di Era 4.0. *Notarius*, 15(1), 310–323. <https://doi.org/10.14710/nts.v15i1.46043>

- Safitri, N., & Putrijanti, A. (2023). Analisis Terhadap Pelanggaran Kode Etik Notaris Dalam Pembuatan Akta Jual Beli Saham. *Notarius*, 16(3), 1348–1360. <https://doi.org/10.25157/justisi.v10i2.8544>
- Salim, H., Djumardin, & Munandar, A. (2020). Analisis Terhadap Substansi Kode Etik Notaris: Studi Komparatif Antara Kode Etik Ikatan Notaris Indonesia Dengan Georgia, Amerika Serikat Dan Québec, Kanada. *Jurnal Risalah Kenotariatan*, 1(2), 14–30.
- Saly, J. N., Serena, M. A., Sugiarto, I. R., Rambu, R. V., Wisuta, R., Pasyah, R. A., & Yulianto, H. (2023). Pertanggungjawaban Notaris Terhadap Pelanggaran Kode Etik Terkait Pemalsuan Akta Otentik. *Jurnal Ilmiah Wahana Pendidikan*, 9(20), 353–360.
- Shodiq, A., & Oktarina, N. F. (2022). Problems Of Law Enforcement Of The Notary Code Of Conduct In The Digital Age. *Jurnal Ilmu HUKUM, Pertundang-undangan dan Pranata Sosial*, 7(2), 537–551. <https://doi.org/10.30996/jhbhc.v6i1.7264>
- Sinaga, N. A. (2020). Kode Etik Sebagai Pedoman Pelaksanaan Profesi Hukum Yang Baik. *Jurnal Ilmiah Hukum Dirgantara*, 10(2), 1–34. <https://doi.org/10.35968/jh.v10i2.460>
- Sudomo, D. D., Franciska, W., & Widyanti, A. N. (2023). Tanggung Jawab Notaris Dalam Pembuatan Akta Diluar Wilayah Kerjanya Terait Akibat Hukum Atas Pelanggaran Undang-Undang Jabatan Notaris Dan Kode Etik Notaris. *Sentri: Jurnal Riset Ilmiah*, 2(12), 5251–5260.
- Undang-Undang Republik Indonesia Nomor 2 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004. Tentang Jabatan Notaris.
- Vigo, S., & Prihatini, F. (2021). Promosi Jabatan Notaris Melalui Media Instagram Sebagai Bentuk Pelanggaran Kode Etik Profesi Notaris. *Jurnal Kertha Semaya*, 9(11), 2033–2046. <https://doi.org/10.24843/KS.2021.v09.i11.p04>
- Wicaksono, G. (2023). Notary Liability for the sale and purchase of PT GEI shares made unlawfully (Study of Decision Number 188 PK/Pdt/2020). *Kosmik Hukum*, 24(2), 124–136.
- Widyantoro, L. A. P., Hafidz, J., & Prinandito, R. A. (2022). Juridical Analysis of the Position of the Notary Deed That Does Not Meet the Subjective Elements as a Condition for the Validity of the Agreement. *Sultan Agung Notary Law Review*, 4(3), 916. <https://doi.org/10.30659/sanlar.4.3.916-929>
- Yustica, A., Ngadino, N., & Maharani Sukma, N. (2020). Peran Etika Profesi Notaris Sebagai Upaya Penegakan Hukum. *Notarius*, 13(1), 60–71. <https://doi.org/10.14710/nts.v13i1.29162>