

ARTICLE

Violation of Installing Notary Nameplates Based on the Notary's Code of Conducts

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Abstract

The Notary Code of Conducts as a guide for Notaries to maintain their dignity in carrying out their positions as a Notary. Enforcement of the Notary Code of Conducts must be enforced so that Notaries do not experience deviations in carrying out their duties, but in real life the notary o do not pay attention to the provisions as regulated in the Notary code of conduct, especially regarding the installation of Notary signboards regulated in the Notary Code of Conducts tend to be ignored and cause Notaries to experience problems code of ethics. The purpose of this study was to analyze the arrangement of the installation of the notary's nameplate based on the Notary code of Conducts and the effort to impose sanctions on the notary who violated the code of Conducts against the installation of the notary's nameplate. This research uses normative juridical using written legal materials. The results of a different study are that the arrangement for the installation of the Notary's nameplate has been regulated in the Notary's code of ethics and the supervision for notaries is carried out by two institutions, namely the Notary Supervisory Council externally and the Notary Honorary Council internally.

Keywords

The Notary Code of Conducts, Notary Nameplate, Notary Code of Conducts Violation

Introduction

In social life, there is interaction between people. This interaction resulted in an agreement to take legal action that led to a relationship of rights and obligations



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between them, so the need for evidence was very high. The need for evidence is also needed in the event of a legal event such as death which will later be related to inheritance. Evidence is described in Article 164 HIR, Article 284 RBG and Article 1866 of the Civil Code (hereinafter referred to as the KUHPer) including letters, witnesses, allegations, confessions and oaths. Proof of letters consists of deeds and not deeds. Then the proof of deed is divided into authentic deed and underhand deed. According to Sudikno Mertokusumo, a deed is a signed letter, which contains legal events, which are the basis of a right or agreement, which was made from the beginning for evidentiary purposes. Article 1868 of the Civil Code explains that "an authentic deed is a deed whose form has been determined by law and the deed is made by or before an authorized public official." The general officer referred to in the article is a notary. Based on Article 1 point 1 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions (hereinafter referred to as *UUJN AMENDMENTS*¹, Notary is defined as "*a general official who is authorized to make authentic deeds and has other authorities as referred to in this Law or based on other Laws*". The article confirms that notaries are general officials so that there is a process that must be passed to become a notary, one of which is the appointment which is the last process to officially become a notary.² Before exercising his office, notaries are sworn to carry out their office in accordance with applicable regulations. Notaries are appointed by the state by law.³ Eventhough they are appointed by the state, notaries do not get salaries from the government like civil servants.⁴

The legal profession is authorized to take care of some civil matters, one of which is the notary profession. Notary is a legal profession that is needed in making authentic deeds. An authentic deed is strong evidence and if a case or dispute occurs in Court, the Notary Deed and PPAT provide perfect proof as mentioned in Article 1870 of the Civil Code.⁵ A deed made by a notary can be a legal basis for the status of property, rights, and obligations of a person.⁶ The need for authentic deeds is not only needed by human legal subjects, but also other legal subjects such as business entities.⁷ A Notary Institution is a social institution that arises from the need in community association regarding civil law relations between individuals who need evidence

¹ Daeng Naja, *Teknik Pembuatan Akta*, (Yogyakarta: Pustaka Yustisia, 2012), p. 1.

² *Kitab Undang-Undang Hukum Perdata [Burgelijk Wetboek]*, (selanjutnya KUHPerdata), diterjemahkan oleh R. Subekti dan R. Tjitrosudibio, (Jakarta: Balai Pustaka, 2015), p. 1868.

³ Indonesian Law on Amendments to Law Number 30 of 2004 concerning Notary Positions, (hereinafter UUJN), Law No. 2 of 2014, LN No.3 of 2014, TLN No.5491, Article. 1 number (1).

⁴ Anik Suryani, "Peranan Ikatan Notaris Indonesia (INI) dalam Pelaksanaan Tugas Notaris Sesuai Kode Etik", *Repertorium* 3, No. 2 (2016): 17-26.

⁵ M. Jamil, "Sanksi Pelanggaran Kode Etik Notaris Oleh Majelis Pengawas Daerah", *Supremasi Hukum* 7, No. 2 (2018): 1-18.

⁶ Maimunah Nurlete, Winanto Wiryomartani and Widodo Suryandono, "Tanggung Jawab Notaris Terhadap Akta Palsu Berdasarkan Pelanggaran Jenis Norma dan Sanksinya (Studi Kasus Putusan Pengadilan Negeri Tanjung Karang Nomor 244/PID.B/PNT.JK)," *Indonesian Notary* 2, No.3 (2020): 378-401.

⁷ Anugrah Yustica, Ngadino Ngadino, Novira Maharani Sukma, "Peran Etika Profesi Notaris Sebagai Upaya Penegakan Hukum", *Notarius* 13, No. 1 (2020): 60-71.

between them. The devotees of this Society are tasked by the general authority to produce written evidence that has authentic evidentiary power.⁸

Notary profession is a legal profession working professionally and functionally demanded in accordance with professional ethics that apply to it. The characteristics of a profession include the following elements:

- 1) The existence of an organization or professional association (*professional association*)
- 2) Knowledge-based, expertise and specific skills (*cognitive base*)
- 3) Supported by an *institutionalized training* system.
- 4) There is an element of official licensing from government institutions (*licensing*)
- 5) Have an element of independence or autonomy at work (*work autonomy*)
- 6) Availability of peer control mechanisms (*colleague control*)
- 7) Berlakunya kode etika dan standar perilaku (*code of ethics and code of conduct*)⁹

Ethics is a system of values and moral norms that guide individuals or a group in regulating their behavior. The Notary profession in carrying out its notary position must be subject to the Notary Code of Ethics.¹⁰ The purpose of the Code of Ethics is for notaries to carry out their positions with moral or dignity, motivation and orientation to intellectual skills and be able to argue rationally and critically and uphold norm values.¹¹ In the Notary Code of Ethics (Extraordinary Congress of the Indonesian Notary Association Banten on May 29-30, 2015) it is explained that the code of ethics is "moral rules determined by the Indonesian Notary Association hereinafter referred to as *association* based on the decision of the Association Congress and / or determined by and regulated in the laws and regulations governing it and which apply to and must be obeyed by each and all members of the Association and all persons who perform duties as a Notary, including Temporary Notary Officers, Substitute Notaries at the time of office."¹²

The importance of the notary's role to make an authentic deed, managing notaries has the obligation to install signage in front of or in their office environment. This is not intended for promotional suggestions but so that the public knows there is a notary in the neighborhood, because the notary's job is to serve the community. So that the community's need for authentic deeds can be met. However, the installation of signage must not violate the provisions of Article 3 paragraph 9 of the Notary Code of Ethics that:

⁸ G.H.S Lumban Tobing, *Peraturan Jabatan Notaris*, (Jakarta: Erlangga, 1996), pp. 3-5.

⁹ Aulia Ummulmadinah, "Implementasi Kode Etik Notaris tentang Pemasangan Papan Nama dan Papan Tanda Petunjuk Jalan Notaris (Studi di Kota Medan)", *Bisman Info* 7, No. 3 (2020): 107-114.

¹⁰ Supriyanta Sipriyanta, "Kajian Filosofis Terhadap Standar Perilaku Etis Notaris", *Yustisia* 2, No. 3 (2013): 137-144.

¹¹ Dwi Andika Prayojana, "Pelaksanaan Penyelesaian Pelanggaran Kode Etik Notaris Tentang Pemasangan Papan Nama Notaris di Kota Denpasar", *Acta Comitas* 2, No. 2 (2017): 213-218.

¹² Notary Code of Conducts (Kongres Luar Biasa Ikatan Notaris Indonesia, Banten, 29-30 May 2015), Article 1 number 2.

"Installing 1 (one) signboard in front of or in the office environment with a choice of sizes, namely 100 cm x 40 cm, 150 cm x 60 cm, or 200 cm x 80 cm, which contains:

- 1) Full name and valid title;*
- 2) Date and Number of the Decree;*
- 3) Seat;*
- 4) Office address and telephone or fax number.*

The base of the signboard is white with black letters and the writing on the signboard must be clear and easy to read, except in the office environment it is not possible to install the signboard."

The installation of Notary signage in front of the Notary office aims to make it easier for the public to use legal services or the services of a Notary in issuing an authentic deed product and so on. Arrangements regarding the installation of signage itself are regulated in the Notary Code of Ethics wherein, Notaries in making a signboard must adjust to the notary code of ethics so that there is no violation of the Notary code of ethics. However, in practice there are many sizes of signboards with various models that describe the characteristics of the Notary so that it is easily recognized by the public, besides that there are several Notaries who install more than one signboard located not only in front of their office but outside the area of their office environment. Regarding this matter, it can be concluded that the arrangement of the installation of the Nameplate is ignored for Notaries and causes a violation of the Notary's code of ethics regarding the arrangement of the installation of signage, as a result of which the Notary must accept all consequences for an action. Based on this description, the author is interested in studying in the form of a journal as will be described below.

Based on the background above, several problem formulations can be formulated as follows:

- 1) How is the arrangement for the installation of Notary signage based on the Notary Code of Ethics?
- 2) What are the Efforts to Supervise and Impose Sanctions on Notaries who commit violations of installing Notary signage that is not in accordance with the Notary Code of Ethics?

The purpose of this study is to analyze the arrangement for the installation of notary signage based on the noris code of ethics and efforts to impose sanctions for notaries who violate the code of ethics for the installation of notary signage.

Methods

This research uses a form of normative juridical research, namely research on written positive law. In this type of legal research, law is what is written in laws and regulations, or law is a rule or norm that refers to human behavior that is considered appropriate. This research was conducted by reviewing the provisions of laws and

regulations including the Civil Code, Law Number 30 of 2004 concerning Notary Positions, Law Number ¹³ 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions and Notary Code of Ethics. The type of data used in this study is secondary data obtained from various literature, such as books, legal journals, and official writings or reports published by government agencies.

Results and Discussion

In practice, the author still finds many violations of the code of ethics regarding the installation of Notary signboards that are not in accordance with the Notary code of ethics, where the author finds cases of violations in the form of an AB Notary with the office area of Regency B ***** (*the name of location should be blinded*) committing violations of the code of ethics for installing notary signboards by installing Notary signboards, which are as many as two types where Notary AB installs signboards in front of the office environment while for the second signboard they are located far apart with the AB Notary office with a distance of about 200 (two hundred) meters from the AB Notary office.

A. What are the arrangements for the installation of Notary signage based on the Notary Code of Ethics?

Arrangements regarding the installation of Notary signage have been established in the Notary code of ethics, however, many Notaries still do not care about the arrangements regarding Notary boards, the installation of signage is carried out arbitrarily as if there are no regulations governing it. Regulations regarding the installation of signage are not found in Law Number 2 of 2014 concerning Notary Positions but are contained in the Notary Code of Ethics in Article 3 paragraph 9 of the Notary Code of Ethics which reads: ¹⁴

"Installing 1 (one) signboard in front of or in the office environment with a choice of sizes, namely 100 cm x 40 cm, 150 cm x 60 cm, or 200 cm x 80 cm, which contains:

- (a) Full name and valid title;*
- (b) Date and Number of the Decree;*
- (c) Seat;*
- (d) Office address and telephone or fax number.*

The base of the signboard is white with black letters and the writing on the signboard must be clear and easy to read, except in the office environment it is not possible to install the signboard."

¹³ Amiruddin Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum*, (Jakarta: Raja Grafindo Persada, 2006), pp. 18-20.

¹⁴ Indonesian Notary Association. *Notary Code of Conducts* Article 3 verse 9.

Based on the description of the AB Notary case mentioned above where he erected more than one signboard located far from the AB Notary office with a distance of about 200 (two hundred) meters from the AB Notary office or the area where he is located. This is certainly not justified because it is not in accordance with the arrangement for the installation of Notary signage Article 3 paragraph 9 of the Notary Code of Ethics where Notary AB should only be able to install signage in front of his office environment by taking into account the provisions of Article 3 paragraph 9 of the Notary Code of Ethics. In addition, Notary AB also installs signboards outside the office environment which is 200 (two hundred) meters from the office environment where the signboard has the words "Notary / Notary Office" this certainly violates the provisions of Article 4 paragraph 2 of the Notary Code of Ethics which reads "Installing signboards and / or writing that reads "Notary / Notary Office" outside the office environment."¹⁵

However, exceptions to the installation of signage are contained in Article 5 paragraph 3 of the Notary Code of Ethics which reads:¹⁶ *"Install 1 (one) signpost with a size not exceeding 20 cm x 50 cm, white base, black letters, without including the Notary's name and installed within a maximum radius of 100 meters from the Notary Office."*

installation Notarythe case of Notary AB again by installing more than one Notary nameplate with a distance exceeding the limit of 200 (duar atus) meters by including the name and position of Notary AB, then the actions of Notary AB cannot be heeded and can be said to be included in the violation of the Notary Code of Ethics because violations committed by Notary AB do not meet the provisions of Article 5 paragraph 3 of the Notary Code of Ethics which essentially contains exceptions to board installation Notary name, where the Notary AB. Therefore, based on violations committed by Notary AB, it may be subject to violations of the code of ethics and sanctions imposed on Notary AB so that Notary AB must be responsible for the actions he committed. The installation of signage carried out by Notary AB with a distance of 200 (two hundred) meters is included in self-promotion and the occurrence of a deviation because the function of a separate nameplate is as a guide for the use of AB Notary services.

B. Efforts to Supervise and Impose Sanctions on Notaries who commit violations of installing Notary signage that is not in accordance with the Notary Code of Ethics?

As a Notary in carrying out his position, he should maintain the dignity and dignity to uphold the position of Notary as an authorized general official. In practice, Notaries in their positions must be neutral, must not take sides with anyone, and must comply with existing norms and ethics in order to better direct notaries in conducting

¹⁵ Indonesian Notary Association. *Notary Code of Conducts*, Article 4 verse 2.

¹⁶ Indonesian Notary Association. *Notary Code of Conducts* Article 5 verse 3.

their positions. Where the norms and ethics that become a Notary guideline in carrying out a position are contained in the notary code of ethics. In this Notary code of ethics, it regulates all certain characteristics that are not regulated in the Notary Position Law, a characteristic must be obeyed by the Notary itself so that there is no violation of the code of ethics, in addition, regarding the Notary code of ethics, notaries should understand what is stated in the notary code of ethics because before being sworn in as a notary, notaries have taken the notary code of ethics exam that has been held by the Notary Association Indonesia first so there is no reason that Notaries do not know the contents of the notary code of ethics so as to cause a violation in the future.

One of the regulations in the Notary code of ethics contains the regulation of Notary signage, where in practice notaries still commit many violations by not caring about the regulation of notary signage as stated in the Notary code of ethics. Supervision for Notaries who violate a provision in the Notary Position Law and Code of Ethics is carried out by the Notary Supervisory Board (MPN) and the Notary Honor Council. The scope of examination of notaries can be carried out due to alleged violations of Notary behavior and the implementation of notary positions, in which there are indications of violations of the Notary code of ethics and regulations against the notary office law. The Notary Honor Board conducts supervision and examination of notaries who violate the code of ethics, the supervision is internal because it is under the auspices of the Indonesian Notary Association, while the Notary Supervisory Board is authorized to supervise and examine violations of the code of ethics directly related to the public who use the Notary's services.¹⁷

The role of the Honor Board is needed in the case of AB Notary because of a deviation and violation of the code of ethics as stated in Article 8 paragraph 1 which reads:¹⁸ *"The Regional Honor Council/Regional Honor Council/Central Honor Board may find facts on alleged violations of the Code of Ethics by members of the association on their own initiative or after receiving complaints in writing from members or other persons accompanied by convincing evidence that there has been an alleged violation of the Code of Ethics by members of the association."*

The Regional Honor Council has the authority to submit a proposal, suggestion that has a connection with a violation of a code of ethics and to impose sanctions in the form of oral or direct reprimands to the Notary concerned based on evidence and existing facts. Meanwhile, the role of the Regional Honor Board is to provide guidance and supervise and enforce the notary code of ethics in each region and has the same authority as the Regional Honor Board by notifying the occurrence of a violation of the notary code of ethics to the Central Honor Board and can propose to the central Honor Board to suspend notaries who commit serious violations of the code of ethics. For the Central Honor Board to find facts on what it encounters or reports from members of the society, the decision of the Notary Honor Board on appeal cannot be contested.

¹⁷ Sjaifurrachman Sjaifurrachman and Abshoril Fithry, "Peranan Majelis Pengawas Notaris Terhadap Pelanggaran Jabatan dan Perilaku Notaris", *Jendela Hukum* 8, No. 1 (2021): 63-83.

¹⁸ Indonesian Notary Association. *Notary Code of Conducts*, Article 8 verse 1

Notary AB has committed deviations in the Notary Code of Conducts, therefore the Indonesian Notary Association is obliged to enforce the provisions in the Notary Code of Ethics. The imposition of sanctions on AB Notaries is considered to be classified as light sanctions as stated in Article 6 paragraph (1) of the Notary Code of Ethics, namely in the form of: "reprimand, warning, suspension from members of the association, honorable dismissal from members of the association, and dishonorable dismissal from members of the association." Enforcement of sanctions to Notary AB is given based on facts or reports that have been obtained and have been carefully thought out in advance, because violations committed by Notary AB are categorized as minor violations, the sanctions given are only limited to reprimands and warnings either verbally or in writing not up to the imposition of temporary suspension sanctions, dishonorable dismissal and dismissal with those classified as imposing sanctions that heavy.¹⁹

Meanwhile, the role of the Notary Supervisory Board consists of the Regional Supervisory Council, the Regional Supervisory Council and the Central Supervisory Council which of course have their respective authorities in carrying out their positions. The Notary Supervisory Panel has a role to conduct hearings to examine any alleged Notary code of ethics or violations in the Notary position law as contained in Article 70 of the Amendment Law.

"The County Superintendent has the authority:²⁰

- a. Holding a session to examine and make decisions on community reports submitted through the Regional Supervisory Board*
- b. Examine and decide on the decision of the Regional Supervisory Board that refuses leave submitted by the reporting Notary;*
- c. Provide sanctions in the form of oral or written reprimands;*
- d. Propose sanctions against Notaries to the Central Supervisory Board in the form of;*
 - 1) Temporary suspension of 3 (three) months up to 6 (six) months; or;*
 - 2) Dishonorable dismissal."*

The Central Supervisory Panel also has the authority: "Hold a hearing to examine and make decisions at the appeal level against the imposition of sanctions and refusal of leave, Summon the reported Notary for examination as referred to in letter a, impose suspension sanctions Propose sanctions in the form of dishonorable dismissal to the Minister."²¹

Based on cases of violations against AB Notaries, it is necessary to report to the Notary Supervisory Panel, starting from the Regional Supervisory Panel as stated in Article 70 letter a of the UUJN AMENDMENT by holding a hearing aimed at

¹⁹ Indonesian Notary Association, *Notary Code of Conducts*, Article 6 paragraph 1.

²⁰ Widya Finizzka, and Widodo Suryondono, "Etika Pemasangan Papan Nama Notaris Ditinjau Dari Kode Etik Ikatan Notaris Indonesia", *Notary UI* 1, No. 003 (2019): 1-20.

²¹ Finizzka and Suryondono (2019).

examining allegations of violations of the code of ethics and must receive reports from the public on suspected violations of the code of ethics, then after conducting an examination for 30 (thirty) days and it is true that there are allegations. If there is a violation of the code of ethics committed by Notary AB based on community reports and facts, the Regional Supervisory Board of District B***** must make and submit a report to the Regional Supervisory Council as stated in Article 70 letter H of the amendment UUJN. While the role of the Regional Supervisory Panel towards AB Notaries is only to hold hearings to examine and make decisions on public reporting related to violations committed by AB Notaries contained in Article 73 letter a of the AMENDMENT UUJN, then the Regional Supervisory Panel has the right to summon AB Notaries and approve sanctions in the form of oral or written reprimands. AB Notaries get sanctions only in the form of verbal or written reprimands for only minor violations so that they are not required to be proposed to the Central Supervisory Panel to follow up cases of AB Notary violations.

Conclusion

The notary code of ethics is a guideline for a notary by obeying existing norms as stipulated in the notary code of ethics. But in reality, there are still many Notaries who do not attach importance to the provisions of the Notary Code of ethics, especially regarding the installation of signage. Many notaries install signage regardless of the settings contained in the code of ethics. There is no longer any reason about Notaries not knowing the arrangements for installing signage because Notaries have conducted a Notary code of ethics examination in advance, it is appropriate for Notaries to master the provisions made in the code of ethics. Violations committed by Notary AB against the installation of two signboards with a distance of 200 (two hundred) meters from the office environment and containing the name and position of Notary AB certainly violate the notary code of ethics regarding the arrangement of signboards, As Notaries who have deviated from the code of ethics should get rewards in the form of sanctions, because violations of Notary AB are included in minor violations, the imposition of sanctions is only limited to reprimands oral and written statements given by the Notary Supervisory Board and the Regional Honor Board as institutions that supervise Notaries who commit a violation of the Notary Code of Ethics.

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The first author as main and single author.

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