



## Notary's Ethics Sanctions for Violations of the Associations's Code of Ethics

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### ABSTRACT

This research discusses the forms of violating the code of ethics carried out by notaries as well as the categories of sanctions given based on the type of violation. The type of research used is normative legal research using statutory, conceptual and case approaches. Data collection methods using document study include book laws and other written works and deductive conclusions. Based on the research results, firstly, the forms of violations committed by notaries include: not having good morals, morals and personality by committing adultery; does not respect and uphold the honor and dignity of the Notary's position and does not behave honestly, impartially, and is not trustworthy because he commits an act of falsifying a deed which results in one of the clients benefiting; not prioritizing service to the needs of society and the State because it is more profitable for the individual;Second, the categories of sanctions based on the type of violation are divided into 2, namely light sanctions and heavy sanctions. Sanctions of reprimand, warning sanctions are in the category of sanctions for minor violations, temporary suspension, honorable termination and dishonorable termination from membership include the category of sanctions for serious violations.

## INTRODUCTION

The term notary is based on Republic of Indonesia Law No. 2 of 2014 regarding the Amendment of Law No. 30 of 2004 regarding the Position of Notary (henceforth UUJN) states that a notary is a public official who has the power to make authentic deeds and has other powers as intended in other laws. The position of notary is a position of trust that must be in line with those who carry out their official duties to be someone who can be trusted and not be someone who is not trusted, so that the position of notary and his officials must be in harmony. When carrying out his position, a notary is obliged to comply with and comply with the UUJN (Notary Public Law) and must then carry out the Notary Code of Ethics.

The notary's code of ethics and the purpose of continuing it is called the code of ethics, namely the moral principles established by the I.N.I association (Indonesian Notary Association) which was later named "persatuann" based on the decision of the association's congress or which was patented in the law containing this which applies to all members and all those who carry out the duties of a notary, including temporary notary positions, substitute notaries in carrying out their positions.

Notaries have obligations, prohibitions and must be obeyed and carried out when serving as a notary in Article 3, Article 4 and Article 5 in the Notary Code of Ethics. Without this code of ethics, there will be no professionalism when serving in office and the level of public trust in notaries will decrease.

The code of ethics in this case has the capacity to be binding on all notaries because there is a delegation of authority from this law to enable the patenting of rules contained in a code of ethics that can apply to all notaries in Indonesia. The provisions of Article 1 paragraph (2) of the notary's code of ethics are moral rules established based on the decision of this congress and or stipulated in a law. Therefore, it is enforced and must be carried out by each and every member, who is carrying out their duties as a notary, then by notary officials who hold temporary positions and substitute notaries in carrying out their positions.

In reality, notaries are not free from mistakes in carrying out the profession of being a notary, namely not carrying out their obligations or neglecting the prohibitions contained in the notary's code of ethics. Currently, it cannot be denied that quite a few notaries are involved in various cases of violations of the code of ethics, such as violating obligations or prohibitions, namely not implementing honesty in their duties, and taking sides with one person to gain their own benefit, namely by falsifying the contents of a deed or not explaining it. Correcting the interests of the parties in the deed he is making, signing the deed which the process of making has been prepared by another party, sending a note to the client to be signed, and so on.

In the notary's code of ethics, there are various sanctions that can be imposed on a notary who is found to have violated the code of ethics, namely in Article 6 paragraph (1) including: Criticism, warning, temporary suspension from the list of members of the Association, honorable dismissal from being a

member of the Association, unlawful dismissal. Respect from members of the Association.

Enforcement of the code of ethics, honor and dignity of notaries is carried out by the committee board as an independent and impartial organization during the INI (Indonesian Notary Association) meeting. The Notary Committee Board is the enforcer of the association's code of ethics which includes DKP (Central Honorary Council), DKW (Regional Honorary Council), and DKB (Regional Honorary Council).

According to researchers, the sanctions contained in the Notary Code of Ethics are still vague, because they do not explain further the benchmarks for the quantity and quality of violations, such as what sanctions will be imposed: criticism, warning, temporary suspension, honorable dismissal, dishonorable dismissal from the list of members, and recommendation for dismissal to the Minister of Law and Human Rights. The ambiguity of this norm can be a gap for the Notary Honorary Council in assessing subjectively rather than objectively a violation.

## **METHODOLOGY**

The research method aims to guide work procedures in collecting and analyzing material or information of a scientific nature, so research methods are needed as standard guidelines that are determined scientifically so that legal issues can be discussed in a systematic manner. Sermon Secant stated that methodology is an element that is absolutely mandatory in research and scientific development.

The type of research used is normative legal research. Normative legal research is also called doctrinal law.

In doctrinal legal research, because this research is carried out and aimed only at written rules or legal materials, it is called library research or document study, because this research is very much carried out on secondary data found in libraries.

Legal research certainly requires a legal research approach that can be used as a reference for compiling appropriate legal arguments. There are also various approaches to legal research, namely the statute approach, the conceptual approach and the case approach.

The main category of normative legal research when carrying out legal studies lies in legal source materials. The important source for legal entities carrying out legal studies lies in the source of their legal materials. The main source is legal material, not data or social facts, because the normative legal research studied is legal material that contains normative rules.

In this research, legal materials are combined through the study of documents consisting of laws, books and other written works, namely by collecting and studying legal materials which include primary, secondary and tertiary law. The legal material will later be re-examined regarding its validity and reliability so that it can be used as material to answer the problems in this research.

## RESULTS AND DISCUSSION

Based on the author's research, violations of the existing code of ethics that are known to the Notary Committee Board and the Notary Supervisory Council of the Indonesian Notary Association for the West Nusa Tenggara Region include:

1. Moral and personal attitudes by committing adultery: Obligations in Article 3 paragraph (1).
2. Not respecting and upholding the honor and dignity of the Notary's position and not behaving honestly, impartially, and not being trustworthy due to committing acts of falsifying deeds which result in one of the clients benefiting: Obligations of Article 3 paragraph (2) and paragraph (4).
3. Not prioritizing service to the interests of society and the state because it is more beneficial to oneself: Obligations in Article 3 paragraph (6).
4. Installing more than 1 (one) nameplate in a different size than the regulations: Obligation Article 3 paragraph (9)
5. Not attending or actively participating in association activities: Obligations in Article 3 paragraph (10).
6. Not carrying out the position of notary in his office but instead facing the client: Obligations in Article 3 paragraph (15).
7. Carry out publications or self-promotion by showing your name and position by sending congratulations and condolences by sending a bouquet of flowers including your name and position: Prohibition in Article 4 paragraph (3).
8. Using intermediary services, for example service bureaus/brokers when looking for clients: Prohibition in Article 4 paragraph (4).
9. Sending minutes to clients for signature: Prohibition in Article 4 paragraph (6).
10. Carrying out unfair competition against other notaries by withholding client documents and setting a lower honorarium than other notaries: Prohibition in Article 4 paragraph (7), paragraph (8), paragraph (9), and paragraph (10).

Each professional group has norms that guide the behavior of members when carrying out their duties. These standards are formulated in a written form called the Professional Code of Ethics. Rules of Professional Ethics are a type of application of professional ethics that must be adhered to by every engaged lawyer from.

Notohamidjojo said, when carrying out their obligations, legal professionals need to have:

- a) Humane behavior, namely not considering the law purely based on morals, rather than its truth based on conscience;

- b) Fair behavior, namely finding appropriateness that is adapted to people's feelings;
- c) Appropriate behavior, namely seeking considerations to apply justice to a concrete case;
- d) Be honest, that is, say the right things based on what they are, and avoid what is not true or appropriate.

According to the author, the Notary's code of ethics is a moral principle established by I.N.I based on the decision of the association's congress or determined and regulated in the rules that regulate this matter, which are valid. And must be followed by all members of the association as well as all people carrying out the duties and responsibilities of a notary.

Law Number 30 article 83 (1) states that "Notary Organizations appoint and supervise Notaries. Ethical rules". Therefore, in the author's opinion, this provision is the basis for the development of the INI code of ethics for the Notary professional association. The above provisions are followed by the provisions of Article 13 paragraph 1 of I.N.I's Articles of Association which are: "To show the honor and nobility of the Notary profession, the association has a Notary code of ethics. Congress, this is a moral principle that every member of the association must adhere to"

In the author's view, the notary's code of ethics should be based on the fact that a notary as a professional is a person who has knowledge and expertise in the notarial sector so that the needs of a public notary who requires services in the notarial services sector can be met. The notary is personally responsible for the quality of the services provided. The aim of the Notary Code of Ethics is to respect human dignity in general and to respect the dignity of Notaries in particular. If the Notary profession is full of services whose essence is "respect for human dignity in general and the honor and dignity of Notaries in particular", then the Notary profession is independent and impartial. Not related to any connected chain; rationality in the sense of referring to objective truth; functional specificity and solidarity between other professionals.

According to Prof. Dr. H. M. Arba as a lecturer at the Faculty of Law, University of Mataram and as a member of the Notary Supervisory Council in Central Lombok Regency said that violations of notary ethics are often an undeniable reality in practice. The reason is the intense competition between notaries which started with the increase in the number of notaries. This condition is getting worse and has become a dilemma due to weak socialization of ethical rules and lack of supervision from the notary professional association, in this case the Indonesian Notary Association. Apart from that, the ethical rules of the notary profession are also ignored among notaries themselves.

Notaries As civil servants we must supervise the fulfillment of notary ethical rules, because the main duties of notaries are directly related to the needs of society. Apart from that, the position of Notary is also a direct mandate from the government which gives it the confidence to use its power in issuing authentic deeds. Therefore, the application of Notary ethical rules and the sanctions applied must be firm and clear, because it is very important that

Notaries do not carelessly carry out their duties and positions and comply with applicable ethical rules.

Notary Ethics, foundation regulations. At least moral, practical and spiritual. A notary as a professional is a person who has scientific knowledge in the field of notarial matters in such a way that the needs of parties who need services in their field can be met. Notaries are personally responsible for the quality of the services they provide.

A professional notary and his client have a personal relationship between subjects who have the same formal and legal status. However, the content of the relationship between the Notary and his client is not socio-psychologically balanced. This is because in principle the client has no other choice but to trust the Notary in the hope that the professional will provide expert services of high quality and value.

Because the services of a Notary include social tasks that are directly related to the basic values that determine the level of society, which are directly related to the basic values that determine the level of realization of human dignity, even Notaries need community control. However, the public usually lacks the technical expertise to assess and implement effective notarial controls. In connection with the values and benefits associated with it, Notaries carry out their duties with a certain ethical attitude, namely the ethics of the Notary profession.

A professional code of ethics is the crystallization of what is generally considered correct behavior because it is based on the needs of the related profession. Therefore, a code of ethics can prevent mistakes and conflicts. A good professional code of ethics is one that reflects the moral values of the members of the professional group itself and the people who need the services of that profession.

A Notary must strictly adhere to I.N.I code of ethics in carrying out his duties. Duties, because without them the value of professionalism will be completely lost. The Notary profession is a profession that relates personally, professional organizations, the people and the state. The relationship between the Notary profession and the community and the state is regulated in the Law regarding Notary Status and other laws. Until now, the relationship between the notary profession and the notary professional organization is regulated in the I.N.I notary code of ethics which is approved and supervised by the notary organization. The existence of notary ethical rules is a logical consequence of the work which is called a profession.

The position of notary is a strategic position which is characterized by a position that can be trusted by the government and the public, must be neutral, impartial and bear great responsibility.

Trust in the government means that the state gives some of its power to officials who have formal education and have taken the oath of office. Public trust means that the public has the right to choose a Notary freely, not guided by anyone, but based on the agreement of the parties. Notaries are expected because of their professional position and also because of their good and correct attitude and behavior on a daily basis to have broad and important powers. Therefore, a

Notary has a heavy moral burden, he must be able to provide accountability to society, the state and society. Society and they are required to have high morals.

A notary with high morals will not abuse his power. Notaries can maintain their status as public officials who participate in the implementation of state power. Notaries must have high moral standards, because according to Article 3(1) of the Notary Code of Ethics, "A Notary must have good morals, ethics and personality." The actions of a Notary are said to have moral value if he carries out his duties and position based on good faith and tries to serve his clients as best as possible, without thinking about the compensation he receives for these services. Ethics and morality are always related to freedom and responsibility. Ethics imposes on us moral obligations that are different from legal obligations, these moral obligations do not have binding force that compels their implementation.

Moral standards are autonomous, not heteronomous, therefore their implementation cannot be imposed by coercive forces from outside (authority). Therefore, the owner of morality always has the freedom to act or not to act.

The ethical rules of a Notary must continue to be upheld, preserved and applied in everyday life. Notaries are always required to have the right attitude, good manners, noble character and good personality. All of this happens not only when you meet clients, but in everyday life when you build good relationships with Notary colleagues. As public officials, Notaries must respect each other in a family atmosphere, meaning that Notaries do not criticize or criticize the actions of other Notaries in front of their clients or the public. Notaries do not engage in competition that is detrimental to fellow Notaries, for example by attracting other Notary employees unreasonably without reducing the agreed service price.

According to Hamzan Wahyudi as General Chair of the Indonesian Notary Association for the West Nusa Tenggara Region, the association's code of ethics is related to the personality of the notary himself, which is regulated in the Association's 2015 Code of Ethics.

The Indonesian Notary Association (I.N.I) strives to uphold the honor and nobility of the Notary profession, has a Notary code of ethics approved by Congress and is a moral code that must be adhered to by every member of the I.N.I.

The Honorary Council of the Assembly is elected from among members of the Notary Association consisting of I.N.I., I.N.I.'s equipment, is selected from among Notary members who are very devoted to the community and are loyal, kind, wise and attentive. As an example to the members and appointed by Congress during his term of office.

The Board Committee has the authority to carry out investigations into violations of the code of ethics and impose sanctions on violators according to its powers and is tasked with:

1. carry out coaching, mentoring, supervision, and improve members while upholding the code of ethics;
2. examine and make decisions regarding alleged violations of code of ethics provisions that are internal or that are not yet directly owned by the community;

3. Providing suggestions and opinions to the supervisory board on suspicion of violating the code of ethics and position of a notary.

The Board Committee includes:

1. In level 1 by the Regional Committee Council
2. On appeal by the Regional Committee Council
3. At the final level by the Central Committee Board.

The I.N.I regional leadership has a regional committee board in each regional leadership of the Indonesian Notary Association. The committee board includes 3 (three) members, including the president, vice president and secretary. Honorary members can be appointed as honorary members who have worked as Notaries for at least 5 (five) years, as well as additional members who pay attention to the rules of the association and applicable laws (former Notaries). Very dedicated, dignified service and loyalty, and great concern for regional conferences and otherwise, including the composition of notaries and former notaries. The term of office of the Regional Committee Management is the same as the term of office of the members of the Provincial Committee.

The Provincial Committee is an independent decision-making body whose duties and responsibilities are to direct and control the Provincial office. Government implementation and fulfillment of ethical rules by members of regional associations. To carry out its duties and responsibilities, the Regional Honorary Committee has the authority:

- 1) giving and delivering proposals and suggestions that are related to the code of ethics and fostering a sense of professional equality (corps guest) in the Regional Management;
- 2) Giving warnings, in writing or verbally directly to members in their area who commit violations or acts that are not in line with the code of ethics or are contrary to the sense of professional togetherness;
- 3) Report the violation to the Regional Management, Regional Management, Regional Committee, Central Management and Central Honor Committee;
- 4) Central Honor for the temporary suspension (scoring) of members Proposing it to the Central Management via the Regional Honor Committee and the Association Committee which violates the code of ethics.

The Regional Committee can investigate the violation itself or after receiving a written complaint from a member of the association or from another person who has convincing evidence regarding a violation of the Code of Ethics, after the facts of the violation have been discovered. In accordance with the provisions of the ethical regulations or after receiving a complaint, he must invite the member concerned to check whether the violation actually occurred and give him the opportunity to explain and defend himself. The minutes of this meeting were drawn up and signed by each member and the President and Members of the Provincial Honorary Committee. The regional honor committee must make a decision within 30 days of filing the appeal.

When handling or resolving a case, members of the Regional Honorary Committee are required to:

- a. Continue to respect and prioritize related dignity
- b. Always maintain a family circle;

c. Everything that is found is kept confidential

For notaries who violate the code of ethics, the Board committee will be coordinated by the Supervisory Board which has the power to carry out investigations into the violation and can impose sanctions on those who violate it. The sanctions imposed on INI members who violate the association's code of ethics may include:

- a. Reprimand;
- b. Warning;
- c. Temporarily suspended from the list of members;
- d. Temporarily honorably dismissed from the list of members;
- e. Dishonorably dismissed from the membership list.

The sanctions outlined above for members who violate the rules of ethics will be regulated on the quality and number of violations carried out. The central committee board has the power to determine and impose sanctions if there are violations committed by its actual members (Notarial practices), violations of moral rules or behavior that offends the honor and values of Notaries or that could harm the community. Trust the notary. Violations of ethical rules carried out by other people (who are carrying out Notary duties) can be notified or warned in advance. The decision of the Committee Council as a warning or reprimand cannot be appealed, then the decision to temporarily dismiss the Honorary Council/Regional Honorary Committee or the dismissal of an honorary member or honorary member can be appealed against the decision of the Central Committee Council and the Central Council level 1. An appeal can be submitted to Congress in the form temporary or honorary suspension from the Honorary Council or dishonorable termination of Association membership. Paragraph 6 (8) of the article also states that the Central Honorary Council has the right to make suggestions and proposals to the Indonesian Minister of Law and Human Rights regarding the dismissal of Notaries.

The General Chairperson of the Indonesian Notary Association for the West Nusa Tenggara Region stated that the sanction of reprimand is the lightest sanction because it is delivered verbally. The Notary's Honorary Board is often given warnings, but warnings are also carried out by INI organization functionaries directly and violations committed do not require a meeting discussion from the internal Notary's Honorary Board before a reprimand is imposed.

Another means of influence is a written warning from the Notary Honorary Council to the relevant Notary. In contrast to a warning, according to the Director General of the Indonesian Notary Association for the West Nusa Tenggara Region, to issue this warning sanction, the Notary Honorary Council requires an internal meeting first before issuing a warning sanction. The reason is, if the warning sanction is given in writing, the notary honor commission adds the person responsible for the notary honor commission to the warning letter sent to the notary who committed the violation.

The third way of influence is the temporary suspension of Notary membership. Expulsion from membership of an association or, often called an association. Hamzan Wahyudi explained that since serving as Director General of

the Indonesian Notary Association for the West Nusa Tenggara Region, this temporary dismissal is only internal to the organization, meaning that as long as his resignation is not involved in any organizational activities, it is still valid.

This temporary suspension does not affect the Notary's position, namely that the Notary can still open his office and carry out his duties normally. The fourth and fifth means of influence are the honorable termination of association membership and the honorable termination of association membership. If the Honorable Notary Commission has decided on the sanctions to be imposed for violations, the Honorable Notary Commission notifies the Assembly regarding the dismissal. Based on the statement regarding Hamzan Wahyudi's dismissal, a Notary who is subject to sanctions can still carry out his Notarial duties if the panel does not comply with the notice of termination, even though the Notary concerned has not been considered a member of the association.

In this case, the author classifies the categories of sanctions based on the violation, which include light sanctions and heavy sanctions, which include light sanctions, namely: reprimands and warnings, while heavy sanctions include: temporary suspension, honorable termination, and dishonorable termination from association membership. Judging from the cases of violations of the code of ethics that occurred in the West Nusa Tenggara region, the author classifies the forms of violations and the categories of sanctions given:

1. Light Sanctions (Reprimand and Warning)
  - a. Not having good morals, morals and personality by committing adultery: Obligations in Article 3 paragraph (1).
  - b. Not prioritizing service to the interests of society and the state because it is more beneficial to oneself: Obligations in Article 3 paragraph (6).
  - c. Installing more than 1 (one) nameplate with a different size than the regulations: Obligation in Article 3 paragraph (9).
  - d. Not attending and actively participating in association activities: Obligations in Article 3 paragraph (10).
  - e. Not carrying out the position of notary in his office but instead facing the client: Obligations Article 3 paragraph (15).
  - f. Carry out publications or self-promotion by including your name and position by sending congratulations and condolences by sending a bouquet of flowers including your name and position: Prohibition in Article 4 paragraph (3).
  - g. Using intermediary services such as service bureaus/brokers when looking for clients: Prohibition in Article 4 paragraph (4).
  - h. Sending a minute to the client for signature: Prohibition of Article 4 paragraph (6).
  - i. Carrying out unfair competition against other notaries by withholding client documents and setting a lower honorarium than other notaries: Prohibition in Article 4 paragraph (7), paragraph (8), paragraph (9), and paragraph (10).
2. Severe Sanctions (Temporary Dismissal, Honorable Dismissal and dishonorable Dismissal from Association Membership)

- a. Not respecting and upholding the honor and dignity of the Notary's position and not being honest, impartial and lacking in trustworthiness due to carrying out deed falsification which resulted in one of the clients benefiting: Obligations of Article 3 paragraph (2) and paragraph (4).

Hamzan Wahyudi as General Chair of the Indonesian Notary Association for the West Nusa Tenggara Region said that if there are members who are suspected of violating the code of ethics, whether the suspicion originates from the insight of the Regional Committee Board itself or is due to reporting from the Regional Management or other parties to the Regional Committee Board, later The sanctions given are sanctions in stages, meaning that when a notary violates the code of ethics, the first sanction given will be the lightest sanction, namely a reprimand, then up to the sanction of being dishonorably dismissed from the association, however, if the violation of the code of ethics falls within a wider realm or not. only in relation to individuals and associations, for example if it harms others materially and immaterially then the sanctions given are more severe, such as sanctions of being honorably dismissed from the list of members up to recommendations for the notary's dismissal to the Ministry of Law and Human Rights.

Article 36 Minister of Law and Human Rights Regulation, No. 15 of 2020 regarding "Procedures for Examination of Notaries by the Supervisory Board" stipulates that sanctions will be imposed on Notaries who are proven to have violated their behavior and performance of office. The Examination Board can impose sanctions including:

- a. verbal notification;
- b. written notification;
- c. temporarily dismissed;
- d. proposal for an honorable discharge; or
- e. Proposal for dishonorable discharge.

Regarding violations of the office code of ethics regulated in Law no. 2 of 2014 regarding "Replacement of Law number 30 of 2004 regarding the Position of Notary Public" states that there are various violations committed by notaries and the sanctions have been clearly regulated. Example:

1. Sanctions Written warning, if you violate the provisions of Article 16 paragraph (1) letter n, namely: acceptance of an apprentice notary.

Apart from that, during its implementation there were several violations in the Notary Position Law in the West Nusa Tenggara Region which occurred between 2017 and 2023, including:

- a. Be trustworthy, honest, thorough, independent, impartial, and safeguard the needs of parties involved in legal actions: Article 16 paragraph (1) letter a;
- b. Launch a Deed in the form of Minutes and save it as part of the Notary Protocol: Notary Obligations Article 16 paragraph (1) letter b.
- c. place letters, documents, fingerprints in front of the Deed Minutes: Notary Obligations Article 16 paragraph (1) letter c;

- d. Immediately after the Deed is read, the Deed is signed by the presenters, witnesses, and the Notary, unless there is a presenter who is unable to kill the signature, the reason can be stated: Obligations of the Notary Article 44 paragraph (1)
  - e. The Notary has the power to issue an authentic Deed regarding all processes, agreements and stipulations which are patented by the provisions of the Law or which are desired by the authorities to be stated in the authentic Deed, guaranteed to be certain on the date the Deed was made, the Deed deposited, the grosses given, a copy and quotation of the Deed, all of which is as long as The launch of the Deed cannot be replaced or excluded by other officials or other people who are patented by the Law: Notary Authority Article 15 paragraph (1).
2. Temporary dismissal from office Article 9 paragraph (1), if:
- a. in bankruptcy proceedings or postponing the obligation to pay debts
  - b. in forgiveness;
  - c. carrying out disgraceful behavior;
  - d. carry out violations of the obligations and prohibitions of office and the Notary's code of ethics; or
  - e. Currently serving a period of detention.
3. Notaries who resign or are respectfully terminated from their positions are regulated in Law Number 30 of 2004 Article 8 paragraph (1), namely:
- a. die;
  - b. aged 65 (sixty five) years;
  - c. his own will;
  - d. mentally or physically unable to carry out the duties of a Notary position for more than 3 years
  - e. Double positions as in Article 3 letter g, namely not having the status of being a civil servant, state apparatus, advocate, or not holding other positions which are prohibited by law from holding the position of notary public.
4. A notary is dishonorably terminated from his position by the minister based on a proposal from the Central Supervisory Council as stipulated in Law 30 of 2004 Article 12 if:
- a. Declared bankrupt based on a court decision that has permanent legal force;
  - b. In custody for a period of more than 3 years.
  - c. carry out actions that demean the honor and dignity of a notary
  - d. committing serious violations in carrying out obligations and prohibitions from office

Article 13 A notary is dishonorably terminated by the Minister because he is sentenced to imprisonment based on a court decision that has permanent legal force for committing a criminal act that is punishable by imprisonment for 5 (five) years or more.

Based on the results of the author's observations, it can be underlined that up to now the rules regarding sanctions for the code of ethics of associations and the code of ethics for notary positions are still unclear regarding the benchmarks

for violations, regarding UUJN the lack of clarity is in the Oral Warning sanctions, there is no explanation as to what kind of violations will be given sanctions. Meanwhile, in the sanctions code of ethics for the association, it is not explained at all the benchmarks for violations such as what will receive sanctions in the form of criticism, warning, temporary suspension, honorable termination and dishonorable termination from membership because this is adjusted to the results of the decision of the Committee Board. Notary Public.

The imposition of sanctions for violations of the association's code of ethics related to being temporarily or honorably or dishonorably dismissed from membership does not mean that the relevant notary cannot carry out his or her position as a notary, because the one who has the power to dismiss a notary from his or her position is the Ministry of Law and Human Rights (Ministry of Law and Human Rights). ) RI only. In violating the code of ethics implemented by a notary, the notary Committee Board also has the right to recommend a notary to the Minister of Law and Human Rights to dismiss the notary. In this case the violation carried out is contrary to the regulations on the code of ethics of the Notary Association and the Notary Position Law.

The Central Committee Board has the right to make decisions and impose sanctions on violations carried out by its members who are supposed to (Notarial practices), violations of the rules of decency, or behavior or activities that undermine the honor and values of Notaries, so that it can harm the public's trust in Notaries. Reprimands can be given and/or a warning for violating the ethical rules of another person (who currently serves as a Notary). A warning or decision from the Honorary Council cannot be appealed, then the decision of the Regional Honorary Committee/Commission Council which includes temporary dismissal or a statement of honor or unfair dismissal and trade union membership can be appealed: an appeal to the Central Committee Council. The decision of the first level Central Committee Council takes the form of suspension temporarily or honorably or dishonorably and the Association's membership can appeal to Congress

## **CONCLUSION AND RECOMMENDATION**

1. Forms of notary violations of the code of ethics of associations in the West Nusa Tenggara region, namely: not having good morals, morals and personality by committing extramarital affairs; does not respect and uphold the honor and dignity of the Notary's position and does not behave honestly, impartially, and is not trustworthy because he commits an act of falsifying a deed which results in one of the clients benefiting; not prioritizing serving the needs of society and the State because it is more profitable for oneself; install more than 1 (one) signboard in a size different from the regulations; not attending or actively participating in association activities; does not carry out the position of notary in his office but instead faces the client; carry out publicity or self-promotion by including your name and position by sending congratulations and condolences by sending a bouquet of flowers including your name and position; using intermediary services such as service bureaus/brokers when looking for clients; send a request to the client for signature; carrying out unfair competition against

other notaries by withholding client documents and setting a lower honorarium than other notaries.

2. Sanction categories based on the type of violation of the association's code of ethics are divided into two, namely light sanctions and heavy sanctions. Sanctions of reprimand, warning sanctions are in the category of light sanctions, temporary dismissal from the list of members, honorable dismissal from the list of members and dishonorable dismissal from the list of members are in the category of heavy sanctions.
3. Notaries in this case are public government officials who can be trusted and must obey and submit to the Notary Code of Ethics and UUJN. The existing forms of violations also reflect that the limits of sanctions for notaries must be clarified so that the violations committed are clear and the sanctions received are also clear, in this way the notary will think long and hard and implement the precautionary principle when carrying out his position as a notary.
4. In carrying out supervision and enforcing the code of ethics for notaries, according to the author, the Committee Council is expected to play a more active role in carrying out guidance and supervision of Notaries so that similar violations do not occur in one area, according to the author it will also be more efficient if it is the one who enforces the code of ethics These associations and positions are carried out by one of the DKN or MPN so that monitoring or enforcement of these violations can be carried out through one door.

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