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Application of the Notary Code of Ethics under Law No. 2 of 2014 Amending Law No. 30 of 2004 on the Notarial Office

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Abstrak

Penelitian ini mengkaji pengaturan Kode Etik Notaris berdasarkan Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris sebagaimana diubah dengan Undang-Undang Nomor 2 Tahun 2014 serta penerapannya melalui asas kepatutan, kejujuran, dan kemandirian. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, dan historis. Bahan hukum primer meliputi Undang-Undang Jabatan Notaris dan Kode Etik Ikatan Notaris Indonesia, sedangkan bahan sekunder meliputi buku, artikel jurnal, dan penelitian terdahulu yang relevan. Temuan penelitian menunjukkan bahwa kode etik menetapkan standar moral dan profesional yang mengikat notaris, pejabat sementara notaris, dan notaris pengganti dalam pelaksanaan tugas profesional maupun perilaku sehari-hari. Standar tersebut berkaitan erat dengan Pasal 16 ayat (1) huruf a, Pasal 17 ayat (1) huruf i, Pasal 65, dan Pasal 83 Undang-Undang Jabatan Notaris. Kepatutan mengharuskan notaris menolak perbuatan yang bertentangan dengan hukum, norma agama, kesusilaan, atau martabat jabatan. Kejujuran menuntut pemeriksaan cermat atas identitas, kewenangan, kehendak, dan dokumen pendukung para pihak yang diikuti penyusunan akta secara akurat. Kemandirian menuntut netralitas dan kebebasan dari pengaruh yang tidak patut atau benturan kepentingan. Penelitian merekomendasikan penguatan pembinaan profesi, pengawasan, dan penegakan etik untuk melindungi integritas notaris, keabsahan akta, serta kepastian hukum.

Kata Kunci: kode etik notaris; jabatan notaris; kepatutan; kejujuran; kemandirian

Abstract

This study examines the regulation of the Notary Code of Ethics under Law No. 30 of 2004 on the Notarial Office, as amended by Law No. 2 of 2014, and its application through the principles of propriety, honesty, and independence. It employs normative legal research with statutory, conceptual, and historical approaches. The primary legal materials are the Notary Office Law and the Code of Ethics of the Indonesian Notaries Association; secondary materials include books, journal articles, and relevant previous studies. The findings show that the code establishes moral and professional standards binding on notaries, temporary notarial officials, and substitute notaries in their professional duties and daily conduct. These standards are closely connected with Articles 16(1)(a), 17(1)(i), 65, and 83 of the Notary Office Law. Propriety requires

notaries to refuse acts contrary to law, religious norms, decency, or the dignity of the office. Honesty requires careful examination of the parties' identities, authority, intentions, and supporting documents, followed by accurate drafting. Independence requires neutrality and freedom from improper influence or conflicting interests. The study recommends stronger professional guidance, supervision, and ethical enforcement to protect notarial integrity, the validity of deeds, and legal certainty.

Keywords: *notary code of ethics; notarial office; propriety; honesty; independence*

Introduction

Notaries are public officials who occupy a strategic position in Indonesia's legal system. They provide legal services and create authentic documentary evidence of legal acts, agreements, determinations, and events. Notarial deeds record the parties' intentions in writing in a form carrying full evidentiary force. The notarial office therefore contributes to legal certainty, legal order, and legal protection.[1]

Law No. 30 of 2004 on the Notarial Office, as amended by Law No. 2 of 2014 (the Notary Office Law), defines a notary as a public official authorized to draw up authentic deeds and exercise other powers conferred by law. Its preamble recognizes that notaries require protection and safeguards when providing legal services to the public in order to ensure legal certainty.[2] The office consequently entails a public function and responsibility for the public interest, extending beyond the provision of services for economic gain.

Notaries must balance two dimensions of their authority. They serve parties who seek to have deeds drawn up, while also protecting the public interest in legal certainty and the validity of those deeds. This position requires moral integrity as well as expertise in the law of obligations, civil law, land law, company law, and banking law. In preparing deeds, notaries must remain neutral, honest, diligent, trustworthy, and independent.

The need to maintain this integrity underlies the Notary Code of Ethics. The code comprises moral standards established by the Indonesian Notaries Association (Ikatan Notaris Indonesia, INI) and applies to its members and others who exercise notarial functions.[3] It guides professional conduct, protects the dignity of the office, and sustains public confidence in the notarial institution. Without ethical standards, the statutory duties in the Notary Office Law risk being performed as formal requirements without the integrity and professional responsibility that the office demands.

The code operates within a statutory framework. Article 16(1)(a) of the Notary Office Law requires notaries to act with integrity, honesty, care, independence, and impartiality and to safeguard the interests of parties to a legal act. Article 17(1)(i)

[1] Betty Ivana Prasetyawati and Paramita Prananingtyas, "Peran Kode Etik Notaris Dalam Membangun Integritas Notaris Di Era 4.0," *Notarius* 15, no. 1 (2022): 310–323, https://doi.org/10.14710/nts.v15i1.46043.

[2] Republic of Indonesia, Law No. 30 of 2004 on the Notarial Office, as amended by Law No. 2 of 2014.

[3] Indriet Pratiwi Wiranita Wiratmodja and Romlan, "Implementasi Kode Etik Notaris Dalam Aktivitas Notaris Sebagai Pejabat Umum," *Justicia Journal* 11, no. 2 (2022): 99–119, https://doi.org/10.32492/jj.v11i2.11202.

prohibits other work contrary to religious norms, decency, or propriety that may affect the honor and dignity of the office. Article 83 requires the notarial organization to establish and enforce the code. Together, these provisions connect positive law with professional ethics.

Previous studies have examined several aspects of notarial ethics. Anik Suryani's 2016 study considered INI's role in ensuring that notaries perform their duties in accordance with the code, emphasizing the importance of association supervision.[4] Ratna Madyastuti's 2020 study examined the authority of the Notarial Supervisory Council to prevent breaches of notarial powers and duties.[5]

Also in 2020, Dera Reswara Santiaji examined the Supervisory Council's role in securing compliance with the code and the Notary Office Law. That study emphasized the need for direct supervision by the Regional Supervisory Council, particularly when responding to public complaints about alleged violations.[6] In 2021, Karina Darojatun Agnia examined the implementation of professional ethics by notaries working with banks, including the risk that dependence on a bank may compromise independence and impartiality.[7]

In 2023, M. Yoghi Pratama and Ana Silviana examined the Notarial Supervisory Council's role in implementing the code. They emphasized guidance and supervision by the Provincial Supervisory Council to reduce errors and professional violations.[8] In 2026, Nuraini and Nabitatus Sa'adah examined the implementation of notarial ethics in preparing authentic deeds as a means of supporting law enforcement. Their study emphasized justice, honesty, humanity, and objectivity in handling legal matters.[9]

This study contributes a systematic analysis of the relationship between the Notary Code of Ethics and the Notary Office Law. It examines how propriety, honesty, and independence operate in the performance of notarial duties. Ethical violations may arise even where no formal drafting procedure has been breached. Examples include dishonest examination of the parties' intentions, loss of independence under external pressure, and conduct that is not expressly prohibited by statute but conflicts with propriety or the dignity of the office.

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[4] Anik Suryani, "Peranan Ikatan Notaris Indonesia (INI) Dalam Pelaksanaan Tugas Notaris Sesuai Kode Etik," *Jurnal Repertorium* III, no. 2 (2016): 17–26.

[5] Ratna Madyastuti, "Kewenangan Majelis Pengawas Notaris Dalam Pencegahan Terjadinya Pelanggaran Kewenangan Dan Tugas Jabatan Notaris," *Jurnal Lex Renaissance* 5, no. 3 (2020), https://doi.org/10.20885/JLR.vol5.iss3.art13.

[6] Dera Reswara Santiaji, "Peran Majelis Pengawas Terhadap Ketaatan Notaris Dalam Upaya Penegakkan Kode Etik Dan Undang-Undang Nomor 2 Tahun 2014 Tentang Pembaharuan Atas Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris," *Aktualita (Jurnal Hukum)* (2020): 365–381, https://doi.org/10.29313/aktualita.v0i0.5804.

[7] Karina Darojatun Agnia, "Implementasi Kode Etik Profesi Jabatan Notaris Terhadap Notaris Yang Bekerjasama Dengan Bank," *Jurnal Officium Notarium* 1, no. 3 (2021): 543–551, https://doi.org/10.20885/JON.vol1.iss3.art15.

[8] M. Yoghi Pratama and Ana Silviana, "Peranan Majelis Pengawas Notaris Terhadap Pelaksanaan Kode Etik Notaris," *Notarius* 16, no. 2 (2023): 861–869, https://doi.org/10.14710/nts.v16i2.42125.

[9] Nuraini and Nabitatus Sa'adah, "Implementasi Kode Etik Notaris dalam Pembuatan Akta Otentik Sebagai Upaya Penegakan Hukum," *Notarius* 19 (2026): 1–15, https://doi.org/10.14710/nts.v19i0.70034.

The study addresses two questions. How does the Notary Office Law regulate the application of the Notary Code of Ethics? How is the code applied through the principles of propriety, honesty, and notarial independence?

Research Method

This study uses normative legal research to examine law as a system of norms, principles, doctrines, and values. It addresses the legal issues through relevant legislation, professional ethical rules, legal doctrine, and policies concerning the enforcement of notarial ethics. It employs statutory, conceptual, and historical approaches.

The statutory approach examines Law No. 30 of 2004, as amended by Law No. 2 of 2014, with particular attention to notarial duties, prohibitions, sanctions, professional organization, and supervision.[10] The conceptual approach examines professional ethics, responsibility, propriety, honesty, independence, and the notary's role as a public official. The historical approach considers the development of INI's code, including the amendments adopted at its Extraordinary Congress in Banten on May 29–30, 2015.

The primary legal materials comprise the Notary Office Law and INI's Notary Code of Ethics. Secondary materials include books on notarial law, journal articles, papers, and previous studies on professional ethics, notarial responsibility, and supervision. Tertiary materials support the interpretation of relevant legal terms and concepts.

Legal materials were collected through library research and examined qualitatively using content analysis. The analysis identified legal norms, classified notarial duties and prohibitions, and interpreted the relationship between the statute and the code. Deductive reasoning was then used to explain how general statutory and ethical norms apply to notarial practice, particularly through propriety, honesty, and independence.

Analytical Scope and Evidentiary Limits

This article distinguishes three sources of obligation: statutory rules governing the notarial office, professional duties imposed by the code, and procedures administered by the competent supervisory or honorary bodies. It asks what conduct these instruments require and what separate legal or disciplinary consequences may follow from a substantiated breach. The analysis is confined to the identified legal texts and scholarship. It does not establish the frequency of misconduct or the outcome of individual disputes without identifiable official decisions. Historical references provide background unless the version and date of the relevant code or amendment can be established.

Results and Discussion

Doctrinal Clarification and Application

A notary's authority to create authentic deeds derives from public law, while the professional association's ethical regime performs a distinct disciplinary function. Article 16(1)(a) provides a statutory basis for honesty, care, and impartiality. Prohibitions under Article 17, responsibility for deeds under Article 65,

[10] Republic of Indonesia, Law No. 30 of 2004 on the Notarial Office, as amended by Law No. 2 of 2014.

and professional ethical arrangements under Article 83 require separate analysis. An ethical breach does not automatically invalidate a deed, establish criminal guilt, or give rise to civil damages. Those consequences depend on the applicable statutory elements, defects in the deed, causation, and available remedies. The analysis distinguishes propriety in professional conduct, honesty in recording facts, and independence from disqualifying conflicts of interest. A relationship with a bank therefore requires an assessment of the particular conflict rather than a presumption that all such relationships are improper.

Regulation of the Notary Code of Ethics under the Notary Office Law

Law No. 2 of 2014 amended Law No. 30 of 2004 because certain provisions no longer met legal developments and public needs.[11] The Notary Office Law seeks to secure legal certainty, legal order, and protection through authentic written evidence of legal acts, agreements, determinations, and events made before or by an authorized official. It accordingly places notaries in a public office authorized to create authentic deeds and exercise other statutory powers.

This public status requires notaries to consider the interests of the state and society as well as those of their clients. They must ensure that deeds accurately reflect the parties' intentions, satisfy formal and substantive requirements, and comply with legislation. These responsibilities call for professional standards expressed through the code of ethics.

Although the Notary Office Law does not consolidate every rule of professional conduct in a single provision, it supplies a statutory basis for ethical regulation. Article 83 requires the notarial organization to establish and enforce the code.[12] INI therefore has authority to adopt ethical standards and enforce them against its members. The code forms part of the statutory framework governing the office rather than operating solely as an internal moral appeal.

The code defines notarial ethics as moral rules adopted by INI through congress resolutions and/or prescribed by legislation. It binds association members and everyone who performs notarial duties, including temporary notarial officials and substitute notaries while in office.[13] Its scope therefore extends beyond permanently appointed notaries to officials temporarily exercising notarial functions.

Article 2 of the code governs its scope. It applies to association members and others exercising notarial functions, both in professional practice and in daily life.[14] Ethical responsibility consequently extends beyond the office. Conduct outside professional practice may affect the reputation, authority, and public standing of the

[11] Betty Ivana Prasetyawati and Paramita Prananingtyas, "Peran Kode Etik Notaris Dalam Membangun Integritas Notaris Di Era 4.0," *Notarius* 15, no. 1 (2022): 310–323, https://doi.org/10.14710/nts.v15i1.46043.

[12] Republic of Indonesia, Law No. 30 of 2004 on the Notarial Office, as amended by Law No. 2 of 2014.

[13] M. Yoghi Pratama and Ana Silviana, "Peranan Majelis Pengawas Notaris Terhadap Pelaksanaan Kode Etik Notaris," *Notarius* 16, no. 2 (2023): 861–869, https://doi.org/10.14710/nts.v16i2.42125.

[14] Kadek Apriawan, Ni Ny Mariadi, and I Nyoman Surata, "Implementasi Kode Etik Notaris Dalam Pemberian Pelayanan Kepada Masyarakat (Studi Pada Majelis Pengawas Daerah Notaris Kabupaten Buleleng)," *Jurnal Fakultas Hukum UNIPAS* 11, no. 2 (2023): 85–112.

profession. For example, conduct contrary to standards of decency may undermine the dignity of the office even when it does not occur during the preparation of a deed.

Article 3 requires notaries to maintain good moral character, uphold the dignity of the office, protect the association's reputation, and act honestly, independently, impartially, conscientiously, and responsibly in accordance with legislation and their oath.[15] These duties correspond closely to Article 16(1)(a), which requires integrity, honesty, care, independence, impartiality, and protection of the interests of parties to a legal act.[16] The code thus develops values that are already expressed as legal obligations.

Article 3 also establishes technical and administrative duties. Notaries must develop their professional knowledge and skills, prioritize service to society and the state, provide services without charging fees to people unable to afford them, maintain one office at their official seat, comply with association rules and decisions, pay membership dues, and treat clients fairly regardless of their economic or social position.[17] These requirements translate professional ethics into equal, responsible public service.

Article 4 sets out ethical prohibitions. These include maintaining more than one office, advertising or promoting oneself through print or electronic media, using service agencies or other intermediaries to obtain clients, signing deeds whose preparation has been arranged by another party, sending the original deed to clients for signature, withholding documents to pressure clients, engaging in unfair competition, charging fees below the association's prescribed level, and engaging in other conduct that diminishes the dignity of the office. The prohibitions seek to protect independence, prevent the commercialization of the office, and ensure lawful preparation of deeds.

The prohibition on signing deeds prepared through another party protects the notary's independence. Merely signing a prearranged deed risks surrendering control over verification of the parties' identities, intentions, authority, and legal acts. Similarly, the prohibition on sending the original deed to clients for signature seeks to prevent execution outside the notary's presence. These rules reflect the requirement that a notarial deed be made by or before a notary in the form and manner prescribed by law.[18]

The code is enforced through the association's Honorary Council. This body protects ethical standards and the dignity of the profession and must exercise its functions independently and impartially.[19] It operates at central, provincial, and

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[15] Wahyu Satya Wibowo, Johni Najwan, and Firdaus Abu Bakar, "Integritas Notaris Sebagai Pejabat Pembuat Akta Autentik dalam Undang-Undang Jabatan Notaris," *Recital Review* 4, no. 2 (2022): 323–352, https://doi.org/10.22437/rr.v4i2.18861.

[16] Republic of Indonesia, Law No. 30 of 2004 on the Notarial Office, as amended by Law No. 2 of 2014.

[17] Indonesian Notaries Association (Ikatan Notaris Indonesia), *Notary Code of Ethics*, as amended at the Extraordinary Congress, Banten, May 29–30, 2015, art. 3.

[18] Ahmad Zaenul Islam, Kurniawan, and Hirsanuddin, "Keabsahan akta notaris yang menggunakan cyber notary dalam perspektif hukum Indonesia," *Jurnal Perspektif Hukum* 22, no. 2 (2022): 100–110.

[19] Nuraini and Nabitatus Sa'adah, "Implementasi Kode Etik Notaris dalam Pembuatan Akta Otentik Sebagai Upaya Penegakan Hukum," *Notarius* 19 (2026): 1–15, https://doi.org/10.14710/nts.v19i0.70034.

regional levels. Ethical enforcement is an internal professional mechanism, while state supervision is exercised through the Notarial Supervisory Council.

Article 6 provides for a reprimand, a warning, temporary suspension from association membership, honorable dismissal from membership, and dishonorable dismissal from membership. The sanction depends on the extent and seriousness of the violation.[20] For serious violations, the Central Honorary Council may also recommend dismissal from the notarial office to the Minister of Law and Human Rights. Ethical misconduct may therefore affect professional membership and may lead to a separate process concerning continued appointment to office.

Ethical breaches may also have administrative consequences under the Notary Office Law. Article 9(1)(d) provides for temporary suspension from office for breaches of professional duties, prohibitions, or the code.[21] Before suspension, the notary must have an opportunity to defend themselves before the Supervisory Council through its prescribed levels.[22] Suspension is imposed by the Minister on the recommendation of the Central Supervisory Council and may last up to six months for these grounds. Administrative consequences thus require the statutory procedure as well as an established breach.

The Minister supervises notaries through the Supervisory Council. Under Article 67(1) and (2), the Minister is responsible for supervision and establishes the council to perform that task. Supervision covers notarial conduct and the performance of official duties.[23] The council includes representatives of government, the notarial organization, and experts or academics. This arrangement combines internal professional oversight through the Honorary Council with external state supervision.

The Supervisory Council operates at regional, provincial, and central levels. The Regional Supervisory Council receives public complaints about alleged breaches of the code or the Notary Office Law, conducts examinations, and provides professional guidance.[24] The Provincial Supervisory Council examines alleged violations, while the Central Supervisory Council considers appeals or acts on assignments from the Minister. Supervision therefore involves several levels and brings together the state, the profession, and academics.

The framework can be understood as three complementary layers. The first consists of statutory duties and prohibitions under Articles 16 and 17. The second comprises moral and professional duties under the code. The third consists of

[20] Kadek Apriawan, Ni Ny Mariadi, and I Nyoman Surata, "Implementasi Kode Etik Notaris Dalam Pemberian Pelayanan Kepada Masyarakat (Studi Pada Majelis Pengawas Daerah Notaris Kabupaten Buleleng)," *Jurnal Fakultas Hukum UNIPAS* 11, no. 2 (2023): 85–112.

[21] Republic of Indonesia, Law No. 30 of 2004 on the Notarial Office, as amended by Law No. 2 of 2014.

[22] M. Yoghi Pratama and Ana Silviana, "Peranan Majelis Pengawas Notaris Terhadap Pelaksanaan Kode Etik Notaris," *Notarius* 16, no. 2 (2023): 861–869, https://doi.org/10.14710/nts.v16i2.42125.

[23] M. Yoghi Pratama and Ana Silviana, "Peranan Majelis Pengawas Notaris Terhadap Pelaksanaan Kode Etik Notaris," *Notarius* 16, no. 2 (2023): 861–869, https://doi.org/10.14710/nts.v16i2.42125.

[24] Yurist Firdaus Muhammad and Budi Santoso, "Penerapan Sanksi Serta Pengawasan Terhadap Kode Etik Notaris Oleh Dewan Kehormatan," *Notarius* 16, no. 2 (2023): 601–612, https://doi.org/10.14710/nts.v16i2.40913.

enforcement through the Honorary Council, the Supervisory Council, and the Minister. Each contributes to professional, ethical, and accountable notarial practice.

Application of Propriety Honesty and Independence

Propriety, honesty, and independence underpin the application of the code. They are expressed explicitly or implicitly in Article 16(1)(a) of the Notary Office Law and Article 3(4) of the code. Failure to observe them may produce deeds that appear formally valid while failing to reflect fairness, accuracy, or independent professional judgment.

Propriety requires conduct consistent with law, religious norms, decency, and accepted standards of professional behavior. Article 17(1)(i) prohibits other work contrary to religious norms, decency, or propriety that may affect the honor and dignity of the office. The code expresses this principle through duties of good moral character and respect for the dignity of the profession and the association.[25]

In practice, propriety guides the assessment of whether a requested legal act may appropriately be recorded in a deed. A notary need not accept every request. Article 16(1)(e) requires the provision of services in accordance with the law unless there are grounds for refusal. Such grounds may include an unlawful act, harm to third parties, an unclear subject matter, or conduct contrary to decency and propriety.

A land transaction illustrates the need for this assessment, while requiring a distinction between notarial powers and those of a Land Deed Official (Pejabat Pembuat Akta Tanah, PPAT). The competent official must do more than record an agreed price and object of sale. Relevant checks concern the certificate, the land's legal status, the parties' identities and authority, and any disputes or legal restrictions. Where the transaction falls within the official's statutory authority, evidence of a dispute, an unclear object, or likely harm to another party may justify refusal or postponement. Such caution prevents public office from being used to legitimize a legally doubtful transaction.

Propriety also underlies restrictions on self-promotion and the use of intermediaries. Article 4 prohibits advertising, obtaining clients through service agencies, and participating in auctions to secure notarial work.[26] These restrictions seek to keep notarial services directed toward legal needs rather than commercial gain alone. Improper methods of obtaining clients may compromise neutrality and the quality of examination.

Honesty requires accurate communication and recording of legal circumstances and facts. Article 16(1)(a) expressly requires notaries to act honestly.[27] Article 3(4) of the code similarly requires honesty, integrity, care, and

[25] Tahta Fortuna Maharani Wijaya and Ery Agus Priyono, "Penerapan Asas Profesionalitas Pada Notaris Dalam Pembuatan Akta Autentik," *Lex Renaissance* 9, no. 2 (2024): 229–255, https://doi.org/10.20885/jlr.vol9.iss2.art1.

[26] Elkhan Danish Fikri, "Akibat Hukum Notaris Yang Bekerja Sama Dengan Biro Jasa," *Wijaya Putra Law Review* 3, no. 1 (2024): 72–90, https://doi.org/10.38156/wplr.v3i1.182.

[27] Republic of Indonesia, Law No. 30 of 2004 on the Notarial Office, as amended by Law No. 2 of 2014.

responsibility in accordance with legislation and the oath of office.[28] Honesty is therefore central to the evidentiary authority of an authentic deed.

This duty begins when a client is received. A notary must examine the appearing parties' identities, capacity and authority to act, intentions, and supporting documents. Article 39 requires an appearing party to be at least eighteen years old or married and legally capable of acting. The party must be known to the notary or introduced by two identifying witnesses or two other appearing parties. These requirements prevent the preparation of deeds without adequate identification and verification of legal capacity.

Honesty also informs the duty to read the deed and ensure that the parties understand it. Article 16(1)(m) requires a deed to be read before the appearing parties in the presence of at least two witnesses and signed at that time by the parties, witnesses, and notary. Reading allows the parties to confirm that the deed reflects their intentions. Where an appearing party does not understand its language, Article 43(2) requires the notary to translate or explain the contents in a language that the party understands.

A breach may occur when a notary fails to check identity carefully, records inaccurate statements, relies on false documents, or signs a deed that does not reflect the parties' intentions. The consequences depend on the defect and the applicable legal provision. Under Article 41, failure to comply with Articles 38, 39, and 40 reduces a deed's evidentiary force to that of a privately executed document.[29] This consequence concerns failure to satisfy the statutory formal requirements for authenticity.

Honesty also entails respect for confidentiality. Article 16(1)(f) requires notaries to keep confidential the deed and information obtained for its preparation unless the law provides otherwise. Professional information must not be used for personal advantage or for another party's benefit. Article 54 further restricts the disclosure or provision of the deed, an executorial copy, an ordinary copy, or an extract to directly interested persons, heirs, and persons deriving rights, subject to statutory exceptions.[30]

Independence requires notaries to exercise professional judgment free from pressure, improper influence, and partiality. It is reflected in the requirements of independence and impartiality in Article 16(1)(a) and in the code. It enables an objective assessment of whether a legal act may properly be recorded in an authentic deed.

Independence does not place notaries outside the legal system. They remain bound by legislation, their oath, the code, and supervision. In dealing with clients, however, they must remain neutral and must not become an instrument for one

[28] Tauratiya and Rahmat Danni, "Tinjauan Yuridis Tanggung Jawab Saksi Instrumentair Terhadap Isi Akta Notaris," *Refleksi Hukum: Jurnal Ilmu Hukum* 8, no. 1 (2024): 1–16, https://doi.org/10.24246/jrh.2023.v8.i1.p1-16.

[29] Muhammad Aldi Fathurrahman, Yudho Taruno Muryanto, and Muhammad Rustamaji, "Pertanggungjawaban Notaris Terhadap Verifikasi Materiil Atas Pembatalan Akta Keterangan Hak Waris Dan Akibat Hukumnya Terhadap Keabsahan Akta," *Verstek* 14, no. 2 (2026): 464–472, https://doi.org/10.20961/jv.v14i2.115574.

[30] Andi Muhammad Irfan, Andi Intan Purnamasari, and Supriyadi, "Tanggung Jawab Hukum Dan Dinamika Sosial Mantan Karyawan Notaris Sebagai Saksi Akta Terhadap Kerahasiaan Isi Akta," *Maharsi* 6, no. 3 (2024): 30–39, https://doi.org/10.33503/maharsi.v6i3.463.

party to harm another. For example, when preparing a deed within their authority, they must ensure that both parties understand their rights, obligations, agreed terms, and legal consequences.

Restrictions on concurrent positions also protect independence. Article 17(1) prohibits notaries from simultaneously serving as civil servants, state officials, advocates, or leaders or employees of state-owned, regionally owned, or private enterprises.[31] These restrictions seek to prevent conflicts of interest. Employment in a business may compromise neutrality when a deed concerns that business, while concurrent practice as an advocate may create tension between client representation and impartial public office.

Cooperation with banks may also create conflicts. Karina Darojatun Agnia found that cooperation agreements may compromise independence where notaries accept terms favoring a bank, sign deeds whose preparation has been arranged by others, or join exclusive arrangements serving a particular institution. The study relates these risks to Article 4(4), (5), and (13) of the code and to neutrality in preparing security documents. The existence and effect of a conflict must nevertheless be assessed in the particular relationship.

Article 20(1) permits notaries to practice through a civil partnership while preserving their independence and impartiality. Cooperation between notaries is therefore permissible, but each remains responsible for their own deeds. Article 65 confirms that a notary, substitute notary, or temporary notarial official remains responsible for each deed they have made even after the notarial protocol has been transferred to its custodian.[32]

Economic pressure, social relationships, and influential clients may test independence. A notary may be tempted to accelerate drafting without adequate checks to secure a fee or may be pressured to proceed despite defective documents or uncertainty about the parties' intentions. In such circumstances, the code requires refusal or postponement. This response fulfills professional responsibility and protects legal certainty.

The three principles operate together. Propriety without honesty may produce a morally acceptable document that records inaccurate legal facts. Honesty without independence may leave professional judgment vulnerable to interested parties. Independence without propriety may disregard legal and moral limits. All three should therefore guide client reception, document checks, drafting, reading, signing, and retention of the original deed.

Enforcement helps ensure that these principles govern practice. The Honorary Council may examine alleged breaches on its own initiative or following a written complaint supported by evidence. The notary must have an opportunity to explain and defend their conduct. A substantiated violation may result in sanctions ranging from a reprimand to dismissal from association membership. Effective enforcement

[31] Republic of Indonesia, Law No. 30 of 2004 on the Notarial Office, as amended by Law No. 2 of 2014.

[32] Bambang Wiweko, "Kewenangan Dan Tanggung Jawab Notaris Dalam Pembuatan Akta Berita Acara Rups Dalam Sengketa Perbuatan Melawan Hukum Terkait Dengan Imta (Studi Kasus Putusan Pn No 150/Pdt.G/2017/Pn.Jkt. Pst)," *SANGAJI : Jurnal Pemikiran Syariah dan Hukum* 8, no. 1 (2024): 137–155, https://doi.org/10.52266/sangaji.v8i1.3127.

depends on reporting, available evidence, and consistent performance of the separate functions of the Honorary Council and the Supervisory Council.

Limitations and Scope of the Findings

A notarial deed, a deed made by a PPAT, and ordinary commercial advice do not involve identical statutory powers. The three-layer framework is an interpretation of separate legal regimes; it does not imply that every sanction arises from one instrument. The competent body and applicable procedure must be identified for each alleged breach. The study is doctrinal and does not measure the practical frequency or effectiveness of ethical enforcement.

Conclusion

The Notary Code of Ethics forms part of the framework protecting the integrity of notaries as public officials under the Notary Office Law. Article 16(1)(a) establishes duties of integrity, honesty, care, independence, impartiality, and protection of the parties' interests. Article 17(1)(i) prohibits other work contrary to religious norms, decency, or propriety that may affect the dignity of the office. Article 83 provides the basis for the professional organization to establish and enforce the code. The code binds notaries, temporary notarial officials, and substitute notaries in professional practice and daily conduct. Ethical sanctions are imposed through the Honorary Council, while any administrative suspension from office requires the separate statutory procedure.

Propriety, honesty, and independence require substantive professional judgment as well as formal compliance. Propriety requires refusal of acts contrary to law and professional dignity. Honesty requires careful examination of identities, authority, intentions, and documents, followed by accurate drafting. Independence requires neutrality and freedom from improper pressure and conflicts of interest. Applied together, these principles support the authenticity of deeds and legal certainty for the public.

Economic pressure, social relationships, interested parties, and limited ethical awareness remain challenges identified in the discussion. The study recommends stronger ethical guidance, professional development, transparent complaint procedures, and consistent enforcement by the competent honorary and supervisory bodies. Further empirical research involving notaries, supervisory and honorary councils, and service users could assess the effectiveness of these arrangements in practice.

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