

RECONSTRUCTION OF NOTARY PROFESSIONAL CODE OF ETHICS IN CARRYING OUT NOTARY POSITION BASED ON JUSTICE VALUES

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ABSTRACT

The code of ethics for the notary profession is very necessary to maintain the quality of legal services to the public. The code of ethics is formed with the aim that a profession can be managed professionally with motivation and orientation to intellectual skills and arguing rationally and critically and upholding moral values. The existence of a code of ethics to ensure the interests of the community so as to strengthen public trust. The research paradigm used is the paradigm of constructivism assumptions based on the problems raised. This research used descriptive analysis. An empirical juridical approach method. The type of data used is secondary data sourced from primary legal materials, secondary legal materials and tertiary legal materials. The technique of collecting data through interviews and literature studies. Deductive data processing techniques and data analysis were carried out by using the qualitative descriptive approach method. The results of this study are (1) the implementation of a code of ethics Notary profession in the practice of notaries has not been able to play a role in upholding, protecting and fulfilling human rights in Indonesia, it is happens due to a lack of understanding of notaries, weak supervision and the absence of harsh sanctions against violators the code of ethics results in activities violating the code of ethics something that must be understood. Violations of the code of ethics carried out by some notaries in carrying out their positions as notaries will not only harm the notary itself but can also harm professional organizations, the community and the state; (3) Reconstruction of a notary based ethics code is a creed or a sacred grip for Notaries in carrying out their duties and positions. The articles in the code of ethics are not only understood by every notary but really must be applied.

Keywords: Code of Ethics, Notary, Justice

A. INTRODUCTION

Notary in making written evidence, in the form of authentic deed, is done by writing the wishes of the parties¹ to be stated in the deed made by and before him. It is done in the hope that the deed made not to violate the law, as well as the will of the parties to be carried out properly and correctly.

The notary's own code of ethics² as a provision governing notary behavior in carrying out positions, also regulates fellow-notary relations. In essence the notary code of ethics is a further elaboration of what is stipulated in the Act of Notary Position.

The notary code of ethics which consists of obligations, prohibitions or sanctions and law enforcement aims to carry out its position, notaries can be guided in accordance with the code of ethics and the Act of Notary Position. The notary code of ethics is 2 (two), namely:

1. Legally regulated code of ethics in the notary office rules.
2. The code of ethics stipulated by the Congress of the Indonesian Notary Association (INI) 1974.

Obligations and prohibitions of notaries as stated in Articles 3, 4 and 5 of the Notary Code of Ethics. The results of the Extraordinary Congress on January 28, 2005 in Bandung refer to the 2004 UUJN (Act of Notary Position). Obligations and prohibitions on the notary profession are expressly regulated in the 2004 UUJN and have undergone changes to the UUJN (Act on Notary Position) 2014, as stated in Articles 15.16 and 17. To oversee the enforcement or implementation of a notary code of ethics, the Regional Honorary Council and the Central Honorary Council are formed.

A notary in carrying out tasks or in daily life, must live it in accordance with the legal corridor in Indonesia. Violations of the prevailing norms will pollute the honor and dignity of the notary's office which ultimately can lead to public distrust of the notary. Violations of the prevailing norms in this country, especially violations of legal norms which result in punishment.³

Various violations may be carried out by a notary public against the code of ethics. Such violations occurred in Pati Regency which can be seen in the following table:⁴

Number of Notaries in Pati Regency and Number of Violations

¹ By worrying and performing as a legal advisor, it can be interpreted as a notary passive or acting as a "dictaphone" which only accepts what is requested by the parties to be included in the deed, but also must play an active role by making assessment of the contents of the deed requested to him and do not need to hesitate to express objection or refuse if the interest of the requesting party is not in accordance with the feasibility and the law as stated by A.A. Andi Prajitno, *Pengetahuan Praktis tentang Apa dan Siapa Notaris di Indonesia*, (Surabaya: Putra Media Nusantara, 2010), page. 3-4

² Professional code of ethics is an ethical order that has been agreed upon by a particular group of people. Code of ethics is generally included in social norms, but if there is a code of ethics that has rather severe sanctions, then it falls into the category of legal norms. The Code of Ethics can also be interpreted as a pattern of rules, procedures, signs, ethical guidelines in carrying out an activity or work. The code of ethics is a pattern of rules or procedures as guidelines for behavior. The purpose of the code of ethics is for professionals to provide the best services to their users or customers. The existence of a code of conduct will protect the unprofessional actions.

³ Ira Koesoemawati & Yunirman Rijan, *Ke Notaris*, (Jakarta: Raih Asa Sukses, 2009), page. 48

⁴ Tri Ulfi Handayani dan Anis Mashdurohatusun, *Urgensi Dewan Kehormatan Notaris dalam Penegakan Kode Etik Notaris di Kabupaten Pati*, *Jurnal Akta*, Vol. 5 No. 1 Maret 2018, page. 51

Year	Number of Notary	Number of Code Violations
2014	29	3
2015	32	2
2016	35	4
2017	43	3
2018	45	2

A Notary is required to always show proper attitudes, good morals, noble character and good personality. All of that is done not only when meeting with the audience, but also in their daily lives.

Article 1 number (1) The 2014 UUJN states that a notary is a general official authorized to make authentic deeds and other authorities as referred to in this law. While said officials themselves are interpreted as government employees who hold positions (leadership elements) or people who hold a position.⁵

Notary as quoted from book A.A. Andi Prajitno is a public office that has characteristics, namely:⁶

1. Notary position is an institution created by the state⁷. Placing a notary as a position⁸ is a field of work or duty that is deliberately made by legal rules for certain needs and functions (certain authority) and is continuous as a permanent work environment.
2. Notaries have certain authority, notary authority is only included in Article 15 paragraph (1), (2) and (3) of the 2014 UUJN. According to Article 15 paragraph (1) that it is the authority to make a deed, not make a letter, such as a Power of Attorney Underwriting Rights (SKMHT) or making another letter, such as a Certificate of inheritance (SKW). There are several authentic deeds which are the authority of a notary and are also the authority of other officials or agencies, namely:
 - a. Unmarried child recognition deed (Article 281 BW)
 - b. Deed of minutes regarding negligence of mortgage deposit officials (Article 1227 BW)
 - c. Deed of minutes regarding offers of cash payments and consignments (Articles 1405 and 1406 BW)
 - d. Deed of note and check protest (Articles 143 and 218 WvK)
 - e. Power of Attorney Charges Underwriting Rights (SKMHT) - Article 15 paragraph (1) of Law Number 4 of 1996.
 - f. Make a deed of auction minutes.

Article 15 paragraph (3) UUJN (Act of Notary Position) is the authority that will be determined later based on other legal rules that will come later (*ius constituendum*). In connection with this authority, if the notary acts outside the specified authority, the notary has acted out of authority, so that the product or notary deed is not legally binding or non-executable, and the party or those who feel aggrieved by the notary's actions outside the authority, the notary may be sued civilly to the district court.

3. Appointed and dismissed by the government, Article 2 of the UUJN determines that a notary is appointed and dismissed by the Government. Notaries, although administratively appointed and dismissed by the government, do not mean the notary becomes a subordinate (subordinate) of the government. Thus the notary in carrying out his office duties:
 - a. Independent (autonomous)
 - b. Not impartial
 - c. It does not depend on anyone (independent), which means that in carrying out their duties it cannot be interfered with by the party who appoints it or by another party.
4. Not receiving a salary or pension from the one who raised it, Notary even though he was appointed and dismissed by the government but did not receive a salary, retired from the government. Notaries only receive honorarium⁹ from the community they have served or can provide free services to those who cannot.
5. Accountability for his work to the community, the presence of notaries to meet community needs that require authentic legal documents in the field of civil law, so that notaries have the responsibility to serve the public to sue the notary

⁵ *Kamus Besar Bahasa Indonesia*, Departemen Pendidikan dan Kebudayaan, (Jakarta: Balai Pustaka, 1994), page. 392

⁶ A.A. Andi Prajitno, *Op. Cit.*, page. 22-28

⁷ An institution created or created by the state, either authority or material content - not based on legislation, delegation or mandate but based on the authority arising from *ermessen freis* attached to the state administration to realize a certain purpose justified by law (*Beleidsregel* or *Policyrules*). Quoted from Bagir Manan, *Hukum Positif Indonesia*, (Yogyakarta: UII Press, 2004), page. 15

⁸ The mention of a notary as a position in UUJN is inconsistent, because in UUJN it is also called a notary as a profession or as a profession of position. (For example in UUJN on Consideration Considering letter c, it is stated that a Notary is a position carrying out a profession. Article 1 number 5 of UUJN, states that a Notary Organization is a Professional Notary Position Organization. It should still be read by a Notary as a Position. Definition of different positions and professions. Notary institutions are *Beleidsregel* from the state with Law Number 30 of 2004 concerning Notary Position or Notary Position deliberately created by the state as an implementation of the state in providing services to the people, especially in the manufacture of authentic evidence recognized by the state. among fellow community members, who were born and developed by the community themselves Habib Adjie, *Sekilas Dunia Notaris & PPAT di Indonesia*, (Bandung: Mandar Maju, 2009), page. 23

⁹ Honorarium comes from the Latin word honor which means honor, glory. The original sign of respect contains an understanding of the service of clients or clients to doctors, accountants, lawyers and notaries. This definition extends to reward money or services or the results of one's work that are not in the form of a fixed salary. For example, honorarium for authors, translators, illustrators or consultants. Cited from K. Prent, dkk, *Kamus Latin – Indonesia*, (Yogyakarta: Kanisius, 2015), page. 387

public and demand fees, compensation and interest if it turns out the deed it can be proven that it is not in accordance with applicable law. This is a form of notary public accountability to the public.

Based on the description above the need to conduct in-depth research related to the factors that influence the implementation of the notary code of ethics in the notary practice in carrying out notary positions, and the reconstruction of notary codes of ethics in carrying out the position of notary based justice.

B. RESEARCH METHODS

The research approach used is juridical empirical, which is an approach carried out to analyze the extent to which a regulation or legislation or law is being applied effectively.¹⁰ The type of data in this study is obtained or collected through secondary data and primary data. Secondary data is data obtained by researchers from literature and documentation which are the results of research and processing of others, which are available in the form of books and documentation which are usually provided in libraries or private property.¹¹ Data collection techniques used in this study used field research and literature studies. The data in this study were obtained through observational activities, interviews, document interpretation (text), and personal experience. In qualitative research methods, types and methods of observation are used as a type of observation that starts from descriptive work methods, then observation focuses and finally selected observations.¹² In accordance with this research paradigm, in conducting observations the researcher will take the position of observer participant. The researcher is the main instrument¹³ in data collection.

It is said to be the main instrument because the researcher himself directly participates in observations (participant observer, meaning the researcher integrates with what he is researching which results in the researcher being close to the object being studied.¹⁴ Interviews are conducted with guided free questions, but do not rule out closed questions) (closed ended) especially for informants who have a lot of information but there are obstacles in elaborating the information.

Data collection activities include, first looking for primary data then secondary data. Secondary data is data that has been collected and systematized by other parties, and used also in this study.¹⁵

Data analysis was performed using a qualitative descriptive approach method. In a qualitative approach no statistical parameters are used to analyze existing data. Sunarjati Hartono¹⁶ suggests ways to analyze the data collected by analyzing or interpreting known laws, such as authentic interpretation, grammatical interpretation, interpretation based on historical legislation, systematic interpretation, sociological interpretation, teleological interpretation, functional interpretation, or futuristic interpretation. The method of interpretation above is useful for finding a principle or rule of law.

C. RESEARCH RESULTS AND DISCUSSION

1. Implementation of the Notary Code of Ethics in Performing a Notary Position in Pratik Notary in Indonesia.

A notary who is a profession certainly requires a rule of professional ethics in the form of a code of ethics. The position of the code of ethics for the notary is very important, not only because notary is a profession, but also because of the nature and nature of the notary-oriented work of the notary so that it can become the main legal basis for the status of property, rights and obligations of a client.¹⁷

A notary in carrying out duties and positions must hold fast to the notary code of ethics, because without that, the dignity and professionalism will disappear altogether. According to Bertens¹⁸, professional code of ethics is a norm that is set and accepted by professional groups that divert or give instructions to its members how to act and at the same time guarantee a profession's moral in the eyes of the public.

Notary as a profession has a notary code of ethics made by organizations that must be held firmly by notaries, including:

- a. Notary personality, this is explained to:
 - a. In carrying out its duties imbued Pancasila, aware and obey the law of the rules of notary office, oath of office, notary code of ethics and good Indonesian language.
 - b. Having professional behavior and participating in national development, especially in the field of law.
 - c. Good personality and upholding the dignity and honor of a notary, both inside and outside of his job duties.
- b. In carrying out the duties, the notary must:
 - i. Recognizing its obligations, working independently, being honest are impartial and with full responsibility.
 - ii. Use one office in accordance with what is stipulated by law, and do not open branch offices and representatives and do not use intermediaries.
- iii. Not using promotional media.
- c. Notary relationships with clients must be based on:

¹⁰ Ronny Hanitjo Soemitro, *Metode Penelitian Hukum dan Jurimetri*, (Jakarta: Ghalia, 1998), page.52

¹¹ Hilman Hadikusuma, *Metode Pembuatan Kertas Kerja atau Skripsi Ilmu Hukum*, (Bandung: Mandar Maju, 1995), page 65

¹² Sanafiah Faisal, *Penelitian Kualitatif Dasar-dasar & Aplikasinya*, (Malang: Yayasan Asah Asih Asuh, 1990), page 80

¹³ Nasution, *Metode Penelitian Naturalistik Kualitatif*, (Bandung: Tarsito, 1992), page 9

¹⁴ Robert Bogdan dan Steven J. Taylor, *Kualitatif Dasar-dasar Penelitian*, (Surabaya: Usaha Nasional, 1993), page 31-32

¹⁵ David W. Stewart, *Secondary Research Information, Sources and Methods*, (London-Newbury: Sage Publications, 1984), page 11-12

¹⁶ Sunarjati Hartono, *Penelitian Hukum di Indonesia*, (Bandung: Alumni, 1994), page. 152

¹⁷ Munir Fuady, *Profesi Mulia (Etika Profesi Hukum Bagi Hakim, Jaksa, Advokat, Notaris, Kurator dan Pengurus)*, (Bandung: PT. Citra Aditya Bakti, 2005), page. 113

¹⁸ *Ibid.*, page. 114

- i. Notaries provide services to the public who need their services as well as possible.
- ii. Notaries provide legal counseling to achieve high legal awareness, so that community members are aware of their rights and obligations.
- iii. Notaries must provide services to members of the poor.
- d. Notaries with fellow notary colleagues must:
 - i. Respectfully respect in a family atmosphere.
 - ii. Do not commit actions or competition that harm others.
 - iii. Maintaining and defending the honor and notary corps on the basis of solidarity and the nature of help constructively.

Since becoming a nominee notary, they generally argued that when they passed the notary code of ethics exam as a requirement to be a notary, in essence they had deeply understood the notary profession's code of ethics, meaning only in the textual not in contexts that were always held in notary office. Thus the rules contained in a code of ethics are often ignored by notaries. The neglect of the notary code of ethics is caused by the negative influence both as individuals in society and in work relations in professional organizations. Internally, in the individual notary may be due to human nature, such as the nature of consumerism or the value of salary earned in running a profession as a notary. While external factors can be due to the cultural environment that surrounds the notary. In addition, there is also a lack of supervision and unequivocal application of sanctions against notaries who violate the notary professional code of ethics.

According to Abdulkadir Muhammad,¹⁹ there are four fundamental reasons why professionals, including notaries, ignore the code of ethics. These reasons include:

a. influence of kinship

One characteristic of kinship is giving equal treatment and appreciation to family members and this is seen as fair. Treatment of other non-family people. This affects the behavior of legal professionals related to the professional code of ethics that should provide equal treatment to clients. A professional notary should distinguish between family problems and professional matters. Family relations may be abandoned while in the office, but family relations are maintained outside the office.

b. influence of position

The influence of the position is often a factor that causes the notary to apply without regard to the professional code of ethics. Notaries as state officials who serve the public should treat all people in the same position. But because the influence of the position attached to someone sometimes the notary acts more special to a client compared to other clients. Maybe this is human but indirectly has made a difference between one human being and another human being. This treatment is an unfair treatment and therefore the notary as a professional has violated ethics.

c. influence of consumerism

A materialistic life can negatively affect the actions of a notary. Consumerism demands that are part of the materialistic life can come from oneself and family. A notary if it has been plagued by materialistic and consumptive nature, the notary often takes steps that violate the code of ethics to fulfill his life satisfaction. He considered the profession to be a field for making money solely and ignoring the service functions inherent in a profession. For example, the number of notaries who pick up the ball to clients in order to get as many clients as possible or suggest notifying each agreement which actually does not have to use a deed for the best-selling notary practice.

d. profession becomes a business activity

Service benefits in the world of professionalism are not the same thing. There are two principles that affect the service reward system. First, the principle of service is limited to the wages received. This principle takes place or is carried out if the professional person bases his service benefits on real benefits or material benefits from services carried out for community members. This principle allows for various forms of abuse or serious abuse. Such a system allows people to have the opportunity to use their abilities selfishly, even improperly, against each other. Second, the principle is to serve as requested. This principle can be found in the profession of a person who bases his services for time, energy and expertise/specialization as he feels as things that really need to be provided. In general, the second principle is considered more reasonable, and the possibility of misuse or abuse of office will be small.

e. weak faith

One of the requirements to become a professional is to fear God Almighty, that is to carry out orders and stay away from His prohibitions. Faith is the basis of human morality. If humans strengthen their faith in piety then moral self-esteem will become embedded in the brakes to do bad things. Human devotion will make more and more aware that good will be rewarded with kindness, otherwise evil will be returned to evil. With strong faith the need will be fulfilled naturally and that is happiness.

Some things related to moral responsibility relating to notary products that have violated the notary profession's code of ethics, often leading to legal problems including:

- 1) Deed made with the condition of the parties not facing each other. The notary makes a deed even though he knows the parties are not facing each other or not in place. One or both parties were not present when the deed was made. The signing of the deed is not on the part of the party dealing with moral, because the Notary is impressed with the "absent" and merely wants to earn some money without realizing the danger that will arise if one party denies the contents of the deed.
- 2) Identity data from one of the parties in the deed is considered incorrect, or is considered to provide false information. This problem is often used as a weapon by the parties to fight a deed. Complaints to the police, usually carried out after the agreement between the two parties is not resolved, or there is a broken promise so that one party tries to find a loophole to criminalize the other party.

¹⁹ Abdul Kadir Muhammad, *Etika Profesi Hukum*, (Bandung: PT. Citra Aditya Bakti, 1997), page. 55

- 3) Data regarding the object promised is not in accordance with the actual facts, so that one party is considered to give false information. In this case the morale of a notary is very much at stake, because of how a notary is willing to make an agreement while the object promised is not clear.
- 4) Data provided by one or both parties is incorrect, so that the notary deed issued is considered a fake deed. The snare commonly used is entering fake data into authentic deeds or falsifying documents.
- 5) There are two deeds circulating in the parties, whose numbers and dates are the same but the contents are different. Two deeds circulated, with different contents by the parties to the dispute. Usually this incident happens in the seizure of shares.
- 6) Signatures of one of the parties in the Deed are falsified. This can happen because the making of the deed is being chased time, and one of the parties is not in place. There may also be intentions to fake signatures.

The viewer uses the identity of another person. Notaries do not necessarily know personally the person who comes to face. Notaries are not in a position to trace a person's track record, let alone to ensure that the identity in the official identity document is correct or false.

The economic, social and cultural life of the Indonesian people continues to change. This can encourage a notary to be trapped in the nature of materialism and hedonism, to finally be able to violate the vows / promises and mission of noble notaries. Policies and regulations have been made in such a way as to fortify that despicable practices do not arise, but still cannot guarantee one hundred percent that each notary will carry out his duties and obligations in accordance with the Law and Code of Ethics. The only thing that can guarantee a notary running in the right corridor is the quality of the notary himself.

The implementation of the notary profession's code of ethics in carrying out notary positions on notary public practices in Indonesia has not been effective. This is influenced by several factors both internal and external.

2. Reconstruction of the Notary Code of Ethics in Performing Notary Position Based on Justice Values.

Human rights as a basic right are inherent in each human being as a creature of God, without any differences from one another, without differences in sex, color, nationality, religion, age, politics, social status, language and other statuses. The Indonesian nation has declared recognition of human rights since August 17, 1945. This is stated in the first paragraph of the opening of the 1945 Constitution, namely:²⁰

"That indeed independence is the right of all nations and therefore, colonization of the world must be abolished, because it is not in accordance with humanity and justice".

The thought from Satjipto Rahardjo, a notary is one of the public officials who has a very large role in accommodating legal actions carried out by the community in accordance with the demands of the times. This is in line with the birth of a notary position because of the needs of the community, not a position that was deliberately created and then socialized to the public.

The existence of a Notary until now is felt much needed by the community. As a public official²¹, Notary is a place where one can get reliable advice, everything written and determined by a notary (*constatir*) is true. On the other hand, a notary can be said to be the strongest and most complete document maker and perfect evidence in a law enforcement process.

"Notaries come from the words of Notarius, are names which in Roman times were given to people who carried out writing work. There are also opinions that say that the name of the notary comes from the word "literary note", which is a sign (brand letter or character) that states something said. Then in the fifth and sixth centuries the designation Notarius (Notariil) was given to the author (secretary) personally of the King (Kaizer), whereas at the end of the fifth century the designation was given to courtiers who carried out administrative work".²²

The existence of a notary position in Indonesia was first recorded on August 27, 1620, when Melchior Kerchem from the Netherlands was appointed as a notary called "Notarium Publicum" in Jakarta, at that time still named Jacatra.²³ His job is for the public interest, especially serving his activities as a public official who serves the community. On January 15, 2014 changes were made to Law Number 30 Year 2004, namely the issuance of Law Number 2 Year 2014 concerning Amendment to Law Number 30 of 2004 concerning Notary Position. Based on several existing laws and regulations, it can be understood and realized that the main task of the notary is to serve the community. The enactment of UUJN is one effort in completing one stage of a long journey in managing society. Therefore it must be followed by concrete implementation in everyday life, including the provisions of Article 37 UUJN and Article 3 point 7 Notary Code of Ethics as a manifestation of law enforcement in protecting and fulfilling human rights, ensuring order and order in society by giving a sense of safe in carrying out legal actions.²⁴

The term profession comes from the word *profiteri* (Latin) which means pledge in public. Based on the word formed the word "professio" (English "Profession"²⁵) which means a work activity carried out on the basis of a dedication pledge²⁶. Profession is work history, job (permanent); livelihood, work as a source of livelihood; position, religious beliefs; statement;

²⁰ Redaksi Sinar Grafika, *UUD 1945 Hasil Amandemen & Proses Amandemen UUD 1945 secara Lengkap*, (Jakarta: Sinar Grafika, 2002), page. 3

²¹ Article 1 paragraph (1) UUJN 2014

²²R. Soegondo Notodisoerjo, *Hukum Notariat di Indonesia*, (Jakarta: PT RajaGrafindo Persada, 1993), page. 13

²³ The first notary in Indonesia (at that time called *Nederlandst Oost Indie*) was a Dutchman named Melchior Kerchem. He was appointed Governor-General Jan Pieterszoon Coen as a notary at Jacatra on August 20, 1620. Date 4 March 1621 was given the name Batavia. Quoted from Komar Andasmita, *Notaris I*, (Bandung: Ikatan Notaris Indonesia Daerah Jawa Barat, 1991), page. 29-30

²⁴ Satjipto Rahardjo, *Ilmu Hukum*, Third publication, (Bandung: PT. Citra Aditya Bakti, 1991), page.132

²⁵ Abdul Ghofur Anshori, *Lembaga Kenotariatan Indonesia Perspektif Hukum dan Etika*, (Yogyakarta: UII Press, 2009), page. 25-27

²⁶http://groups.yahoo.com/group/notaris_indonesia/message/1416, Jusuf Patrick, *Dunia Kenotariatan yang Profesional*, accessed at 1 March 2016

information.²⁷ Popular dictionaries say: "A profession is a job with special expertise as a permanent livelihood."²⁸ Suparman Usman defines the profession "a moral community (moral society), has shared ideals and values".²⁹

Kansil interpreted the profession "Work done as a main activity to generate a living and rely on special expertise"³⁰. Based on the explanation above, it can be said that, legal scholars in the country have no agreement on the definition of the profession.³¹

Suparman Usman distinguishes the profession into 2 (two) types: "Understanding the profession can be divided into: (1) Professional in general. (2) Noble profession or noble profession (*officium nobile*).

In addition to being obedient and loyal to the Republic of Indonesia, Pancasila, the 1945 Constitution, other laws and regulations, Notaries as the legal profession also obey and carry out the values of the professional code of ethics, because the code of ethics is a noble and friendly profession.³² Notary profession is expected to be able to play a role in upholding, protecting and fulfilling human rights in Indonesia, as well as being able to maintain and uphold the values of truth and justice as instruments of human welfare and happiness as Sudjito said as follows:

"Moral law is a law that is capable of being a guide and medicine for human longing for absolute truth and justice.

Therefore, law is required to be facilitative of human needs both physically and mentally. Legal science must be able to humanize humans as a whole, and be able to prevent, fortify, and protect from any efforts that violate human rights".³³

The notary as the legal profession is obliged to enforce, develop, and preserve his profession so that as a *sine qua non*, a notary code of ethics must be obeyed, implemented and controlled by the notary himself. Thus the existence of a notary professional code of ethics, in the form of public trust in the notary profession can be strengthened, because every member of the community has expectations for guaranteed justice and security in carrying out legal acts as legal subjects in society.

Widyadharma states that: "the position of a professionalist in a profession is essentially an honorable position. Therefore, in every profession see an obligation so that the knowledge that is understood is carried out with the sincerity of his heart and is good and honesty for human life. Therefore, the ethics possessed by each profession is also a milestone and measure for every professionalist to always behave and work ethically, by adhering to the rules stated in his oath and code of ethics"³⁴. Strictly stated in the notary code of ethics, it can also be stated that even though the expertise of a notary professional can be used as an effort to earn money, in carrying out his professional duties he must not be solely driven by money consideration³⁵. The main purpose of a profession is not to create money solely, but primarily to disseminate knowledge and public order or the application of good law to all levels of society".³⁶ All professional activities are made with the aim not for rewards, but rather for specific purposes or for the good of the related practice".³⁷

Based on some that have been stated, it can be said that the honorarium of a notary profession is a reward for his work does not need to be balanced with the knowledge given to the viewer, because the purpose of the notary profession is to serve the public interest (welfare and happiness). The not bound notary profession is only highly knowledgeable, but is bound by the values contained in the notary code of ethics. Thus a notary is required to have high integrity and morality so that he can carry out his profession responsibly, respect the rights of others, be able to prioritize the interests of the people, and serve the demands of nobility and glory of the notary profession in Indonesia.

After the economic crisis since 1997, all professional institutions have not only been able to overcome financial difficulties, but have demanded every profession to carry out various ways so that their business can continue to survive, including the legal profession institutions in Indonesia, especially when talking about idealism and the dignity of the notary profession. Idealism seems to be a new and strange item in the midst of the rise of pragmatism and hedonism that are becoming new ideas in the community. Notaries as part of individuals in the community face similar challenges namely, one side of the notary is asked to maintain his idealism as a public official to provide legal services for free as mandated by article 37 Law No. 2 of 2014 concerning Amendment to Law No. 30 of 2004 concerning Notary Position³⁸, and Article 3 paragraph (7) Notary Code of Ethics.³⁹ On the other hand, a notary is faced with the problem of materialism life to fulfill the necessities of life and for the existence of office operations, including paying the salaries of all employees.

Guaranteed justice and security in the community is the obligation of all parties, especially the notary profession to carry out the duties and authorities granted by the state for public service as a manifestation of the fifth Pancasila principle, namely justice for all the people of Indonesia. The government has given part of its authority to the notary,⁴⁰ through UUJN, and also the people who use the services of a notary certainly have the desire that the services provided by the notary really have reliable values and weights. In addition to providing legal certainty to legal subjects, providing justice and security in society, it can also protect the public from disputes and fulfill the basic rights guaranteed by the constitution for the community.⁴¹

²⁷Alex MA, *Kamus Ilmiah Populer Kontemporer*, (Surabaya: Karya Harapan, Surabaya, tanpa tahun), page. 525

²⁸Liliana Tedjosaputro, *Etika Profesi Notaris*, (Yogyakarta: PT. Bayu Indra Grafika, Yogyakarta, 1995), page. 32

²⁹H. Suparman Usman, *Etika dan Tanggung Jawab Profesi Hukum di Indonesia*, (Jakarta: Gaya Media Pratama, 2008), page. 121s

³⁰Suhrawardi K. Lubis, *Etika Profesi Hukum*, (Jakarta: Sinar Garfika, 1994), page. 10

³¹Suhrawardi K. Lubis, *Etika Profesi Hukum*, (Jakarta: Sinar Garfika, 1994), page. 10

³²Artidjo Alkostar, *Peran dan Tantangan Advokat Dalam Era Globalisasi*, (Yogyakarta: FH UII Press, 2010), page. 145

³³Sudjito, *Perkembangan Ilmu Hukum : Dari Positivistik Menuju Holistik dan Implikasinya Terhadap Hukum Agraria Nasional*, Speech of Inauguration of Professors' Position at the Faculty of Law Universitas Gadjah Mada, (Yogyakarta: Universitas Gadjah Mada, 2007), page. 14

³⁴Ignatius Ridwan Widyadharma, *Hukum Profesi tentang Profesi Hukum*, (Semarang: Wahyu Pratama, 1991), page. 50

³⁵Ibid, page. 5

³⁶E.Sumaryono, *Etika Profesi Hukum*, (Yogyakarta: Kanisius, 1995), page. 34

³⁷Daryl Koehn, *Landasan Etika Profesi*, (Yogyakarta: Kanisius, 2000), page. 68

³⁸Article 37 of the UUJN states: "Notaries are required to provide legal services in the field of notary free of charge to people who cannot afford it"

³⁹The Notary Code of Ethics, stipulated January 28, 2005, in Bandung: "Providing services for making deeds and other inheritance services for poor people without collecting honorariums."

⁴⁰Pengurus Pusat Ikatan Notaris Indonesia, *Jati Diri Notaris*, (Jakarta: Gramedia Pustaka, 2008), page. 104

⁴¹Satjipto Rahardjo, *Ilmu Hukum*, Cetakan ke-tiga, (Bandung: PT. Citra Aditya Bhakti, 1991), page.132

People as citizens and as legal subjects have the right to get a sense of security in carrying out legal actions, and a sense of justice in a community life is more secure and more accommodating. No exception, justice for the services provided by a notary. According to H.R. Soejadi, a concept or idea put forward by Roscoe Pound, at the level of implementation did not experience success as expected. It can be understood that it is quite difficult to be able to realize the compatibility between ideality and reality, between concepts and perceptions.⁴² Based on this idea, it can be seen that, the enforcement, protection and fulfillment of human rights in a social reality is still very alarming, including the enforcement, protection and fulfillment of justice and security for carrying out legal actions by the community.

Notary is a public official who is authorized to make authentic deeds, the making of authentic deeds by this notary is required by legislation in order to create certainty, order and legal protection to prevent conflicts in the community,⁴³ but because it is desired by interested parties to ensure the rights and obligations for certainty, order and legal protection for those who have an interest as well as for the community as a whole, as a manifestation of building a democratic state in accordance with the dignity of the Indonesian people.⁴⁴

Notaries as public officials as well as the legal profession must prioritize service to the community. The function and role of a notary in legal mobility in the community is urgently needed, as outlined in the provisions of Article 16 of the UUJN concerning the obligation of a notary, the obligation of a notary is very important to ensure legal certainty and protection, fulfillment and fulfillment of human rights need.

Authentic deeds made by a notary clearly determine the rights and obligations of the viewers as legal subjects in society, something that is not less important than the existence of an authentic deed itself is, if an expectation can be manifested to avoid a dispute, and this is one significant difference between a notary and an advocate. This is as stated by Tan Thong Kie that an advocate defends someone's rights when a difficulty arises, then a notary must try to prevent such difficulties from occurring.⁴⁵

The duty and role of notaries in legal mobility in society is urgently needed to uphold, protect and fulfill human rights in the form of the right to justice and security as legal subjects for prosperity and prosperity. So important is the obligation mandated by UUJN to a notary public in communicating the needs of the community, so the role of a notary can be broadly qualified into 2 (two) things, namely:

1. Preventing disputes in the community. This is the main task of a notary, namely, formulating the desires or actions of the parties or communities who need them in an authentic deed, taking into account the applicable legal rules, so that they can guarantee certainty, order and legal protection that has truth and justice.
2. Resolving disputes that cannot be avoided in the community. Notary deed as authentic deed has perfect evidentiary power⁴⁶ in the event of a dispute, so that it does not need to be proven or added with other evidence, if there is a person or party who assesses or states that the deed is incorrect, then the person / party who judges or states is incorrect it is obligatory to prove the assessment or statement according to the applicable law. So that dispute resolution in the community can be resolved immediately.

A notary before carrying out a position is obliged to take an oath / promise according to his religion before the Minister or appointed official.⁴⁷ The sound of the oath was stated in article 4 paragraph (2) of the UUJN. The first paragraph of the oath pronouncement is as follows:

"I swear / promise:

that I will obey and be loyal to the State of the Republic of Indonesia, Pancasila, and the 1945 Constitution of the Republic of Indonesia, the Notary Act and other laws and regulations".

In reading the oath it is very clear that the urgency and role of the notary in upholding, protecting and fulfilling human rights is an obligation in carrying out the profession of office. The task and function of a notary in a human rights perspective is based on law, that law is not merely a level of value but as a means for notaries to carry out professions oriented to the purpose of law in the form of justice and security for the public's welfare and happiness,⁴⁸ especially people who are in the jurisdiction of certain notaries. The legal objective according to Artidjo Alkostar is emphasized that "The purpose of law is justice and its orientation is to use for many people and increase human dignity".⁴⁹

Referring to Artidjo Alkostar's thought, it can be said that, notaries as public officials who carry out their duties under the UUJN and the Code of Ethics, must be able to provide benefits and usability to many people. It is an obligation for notaries in Indonesia to think that their professional positions are oriented towards participating in the enforcement, protection and fulfillment of human rights needed by the community. Notaries are obliged to protect the community from conflict because of unclear rights and obligations of community members as legal subjects in carrying out legal actions, and fulfill the basic needs of the community to get a sense of security in carrying out legal actions in the community.

⁴² H.R. Soejadi, *Refleksi Mengenai Hukum dan Keadilan, Aktualisasinya di Indonesia, dalam Membangun Hukum Indonesia, Pidato Pengukuhan Guru Besar Ilmu Hukum*, (Yogyakarta: Kreasi Total Media, 2008), page. 89

⁴³ Satjipto Rahardjo, *Membangun dan Merombak Hukum Indonesia Sebuah Pendekatan Lintas Disiplin*, (Yogyakarta: Genta Publishing, 2009), page. 37

⁴⁴ Padmo Wahjono, *Indonesia Negara Berdasarkan Atas Hukum*, Cetakan ke dua, (Jakarta: Ghalia Indonesia, 1986), page. 80

⁴⁵ Tan Thong Kie, *Buku I Studi Notariat dan Serba-Serbi Praktek Notaris*, (Jakarta: Icthiar Baru Van Hoeve, 2000), page. 162

⁴⁶ Decision of the Supreme Court of the Republic of Indonesia Number 3199K / Pdt / 1994, October 27, 1994, confirms that the authentic deed according to the provisions of article 165 HIR jo 285 Rbg jo 1868 BW is perfect evidence for both parties and their heirs and people who have rights from them. M.Ali Budiarto, "Kompilasi Kaidah Hukum Putusan Mahkamah Agung, Hukum Acara Perdata Setengah Abad", (Jakarta: Swa Justitia, 2005), page. 150

⁴⁷ Article 4 UUJN 2004

⁴⁸ Bernard L. Tanya dkk, *Teori Hukum Strategi Tertib Manusia Lintas Ruang dan Generasi*, (Yogyakarta: Genta Publishing, 2010), page. 212

⁴⁹ Artidjo Alkostar, *Negara Ini Tanpa Hukum Catatan Pengacara Jalanan*, Cetakan kedua (edisi revisi), (Yogyakarta: PUSHAM UII, 2008), page. 6

Every individual certainly wants happiness, both happiness in the world especially happiness in the hereafter. Any profession, as well as wherever the individual is in carrying out his profession, is nothing but his goal is only to achieve happiness. Happiness is a human right, as mandated by article 9 paragraph (2) of the Law on Human Rights "Every person has the right to live peacefully, safely, peacefully, happily, physically and spiritually".

Working in essence is one of the basic obligations of every human being, by doing work someone can get something that is his own right which is a counter-achievement for the work he has done. Through his work, humans can and are obliged to serve others both with ideas, skills and do anything to elevate family life and conditions to a better level.⁵⁰ According to Abdul Kadir Muhammad, work carried out by humans can be classified into three types, as explained as follows:

1. Employment in the general sense, namely any work done by humans by prioritizing physical abilities, whether temporary or. Fixed with the aim of obtaining income (wages).
2. Employment in a special sense, namely the work of a particular field, prioritizing physical or intellectual abilities, is permanent in order to obtain income.
3. Work in a certain sense, namely work that prioritizes physical or intellectual abilities, either temporarily or permanently for the purpose of service.⁵¹

Based on the three types of job qualifications above, the notary is included in the type of job classification number three, with the following criteria:

- a. Covers only certain fields (specialization).
- b. Based on special skills and skills.
- c. Fixed or continuous.
- d. Prioritizing services over rewards (income).
- e. Responsible for yourself and the community.
- f. Grouped in one organization.
- g. Aiming for community service.⁵²

In essence, by working it requires someone to choose a profession or expertise responsibly, both horizontally, society, organization (code of ethics), and vertically to the Almighty God. Accountability of a profession requires someone to prepare himself thoroughly, including a notary.

The existence of a notary is not solely for himself but to meet the needs of the community. This becomes the basis of a notary to increase his knowledge and skills in an effort to optimize service to the community as the main mission in his life, both when carrying out his office duties and as an individual in everyday society.

Sudjito said: "Until now the philosophy of notary education, realized or not, has shifted from the desire to educate the life of the nation to wanting to be rich and prosperous quickly."⁵³ In line with what Tobing explained, Widyadharma was quoted as saying:

"Efforts to increase the professionalism of notaries are not only known about the duties and position of the notary but must also be known how the people who will be served will be desired".⁵⁴

This opinion has clarified the role of the notary as a public official who is given the trust to carry out some of the tasks of the state that must be able to protect and meet the needs of the community. It is indeed a very heavy duty and responsibility if properly interpreted. The issuance of a Decree (SK) concerning appointment as a Notary, then in formal jurisdiction at that time should also be embedded in the promise to carry out professional duties as best as possible in accordance with Pancasila, the 1945 Constitution, UUJN, and other laws and regulations.⁵⁵

Sanctions imposed not only in the form of legal sanctions and moral sanctions from the public, but it must be believed that there will be spiritual sanctions by God Almighty when a Notary violates the nobility and dignity of the notary profession. The complexity of the problems faced by a notary in upholding, protecting and fulfilling human rights in Indonesia, then a notary should equip himself with various scientific disciplines in addition to the most essential knowledge of notary deeds, also constantly develop intellectual, emotional, and spiritual knowledge so that remain on the path of truth for service to the welfare of society.⁵⁶

The professionalism and nobility of the notary profession today tends to fade away (degradation), along with the increasing list of notary names related to cases in court both civil and criminal cases. In addition to the poor quality of the notary, it can also be due to the trend of the notary profession as a "money printing machine" profession.

The fifth principle of Pancasila, which is Social Justice for All Indonesian People, is manifested by the existence of justice for human rights, set forth in the body of the 1945 Constitution, even clearly and explicitly stated as the title of CHAPTER XA 1945 Constitution "HUMAN RIGHTS". As the basic law of the 1945 Constitution does not give an understanding of human rights, this understanding of human rights can be found in article 1 of Law Number 39 of 1999 concerning Human Rights, and in the General Provisions of article 1 of Law Number 26 of 2000 concerning Human Right Courts.

⁵⁰ Penjelasan pasal 9 ayat (1) Undang-Undang No. 39 Tahun 1999 about Human Right

⁵¹ Abdul Kadir Muhammad, *Op.cit.*, page. 57

⁵² Satjipto Rahardjo, *Pendidikan Hukum Sebagai Pendidikan Manusia*, (Yogyakarta: Genta Publishing, 2009), page. 69-72

⁵³ http://hukum.ac.id/index.php?option=com_content&task=view&id=184&Itemid=127, Prof. Dr. Sudjito, S.H., M.Si. *Pendidikan Kenotariatan Tak Sekadar untuk Kaya dan Berjaya*, diakses 1 Maret 2016

⁵⁴ Ignatius Ridwan Widyadharma, *Op.Cit.* page.106

⁵⁵ Sumpah/janji notaris pasal 4 UUJN

⁵⁶ A. Mukthie Fadjar, *Tipe Negara Hukum*, Cetakan ke dua, (Malang: Bayu Media Publishing, 2005), page. 28

Referring to the Pancasila as the basis of the State, and the provisions mandated by the 1945 Constitution, as well as the laws specifically regulating human rights above, human rights in Indonesia must be upheld, protected, and fought for in fulfilling all Indonesian people, including a sense of justice in legal treatment and security in carrying out legal actions. Notaries as public officials have the authority to carry out their duties, functions and obligations given by the State through the 2014 UUJN⁵⁷. The state's mandate mandated by Pancasila⁵⁸ and the 1945 Constitution to protect the entire Indonesian people and promote general welfare⁵⁹, in order to realize social justice for all Indonesian people is partly delegated to notary, for this reason, before carrying out his position, the notary is obliged to take an oath / promise according to his religion to carry out the Pancasila, the 1945 Constitution, UUJN, other legislation including the Human Rights Law and the Human Rights Court Law.

Based on the notion of human rights formulated in article 1 of the Human Rights Law and Article 1 of the Human Rights Court Law, the right to justice in the Equality Before the Law and the right to obtain security in carrying out legal acts as legal subjects in in society is a human right that must be upheld, protected and fulfilled and upheld by everyone, especially a notary that is relevant to his duties and functions in the community.

Article 1 of the UUJN states that a Notary is a public official authorized to make authentic deeds and other authorities as referred to in this law. Delegation⁶⁰ of authority in making authentic deeds by this country is in accordance with the principle of the rule of law that guarantees certainty, order and legal protection which has the essence of truth and justice to achieve prosperity and happiness,⁶¹ in line with the legal traffic needed in social life.

The authentic deed of this notary product, besides functioning to prevent disputes because it has clearly defined the rights and obligations of legal subjects in legal traffic in the community, also has a very important role as the strongest and most fulfilled evidence in legal relations in community life if the dispute is not avoidable.⁶² The main legal umbrella for the notary profession in carrying out his occupational profession is the UUJN and the Notary Code of Ethics where in Article 37 of the UUJN 2004 is required:

"Notaries must provide legal services in the field of notary free of charge to people who cannot afford it." The same thing was reaffirmed in article 3 point 7 of the Notary Code of Ethics which states the notary is obliged: "Providing services for making deeds and other inheritance services for poor people without collecting honorariums".

Besides that the notary is also obliged to prioritize service to the interests of the community and the state, as mandated in article 3 point 6 of the Notary Code of Ethics. The inclusion of article 37 UUJN and article 3 point 7 in the Notary Code of Ethics is expected to be a form of notary concern (social sense) towards the environment and is a manifestation of notary profession's service to the community, nation and state.

At present the implementation of the above provisions is still in the formal level, in the sense that the enforcement of human rights by a notary is still limited to making regulations, has not arrived at implementation of the values contained in these provisions. It is truly a concern for the world of law enforcement, especially in the enforcement of human rights law in a Sociological perspective.⁶³

The importance of authentic notary products' huge deed in enforcing, protecting, fulfilling and guaranteeing legal certainty, order and justice in realizing the state's goals for the benefit of society (welfare and happiness). The dominant participation in the authority of the notary profession given by the state through UUJN is very much needed and anticipated by many people. Moreover, this time has not yet materialized, a special institution that handles the making of deeds for free by a notary, as mandated in the Notary Position Act. The nobility and glory of the notary profession in society is increasingly fading, along with the perspective in the view of society that "going to a notary means spending a significant amount of money". As a result, there is a tendency that most notaries in Indonesia only belong to those who are class / have financial ability.

The number of names of notaries involved in civil or criminal cases shows that professional ethics have not been carried out by each individual notary. In the future it is feared that it will eliminate public confidence in the existing legal profession. According to Achmad Ali, the depravity in law enforcement, which resulted in the loss of people's trust in the community is a "vicious circle" that can only be solved by law enforcers themselves".⁶⁴

The notary code of ethics is all moral rules established by the Indonesian Notary Association based on the Congress Association and / or determined by and regulated in the laws and regulations governing this matter and which are applicable and must be obeyed by each and every member of the Association and all people who carry out his / her position as a Notary, including Temporary Notary Officials, Substitute Notary and Special Substitute Notary. Based on the results of the study, according to the author there are several weaknesses in several articles that turned out to be in the Notary Code of Ethics so that it is necessary to reconstruct the Notary code of ethics which can be seen in the following table:

⁵⁷ Pasal 28i UUD 1945 ayat 4 dan 5

⁵⁸ The position of Pancasila as a source of national basic law, the source of all legal sources that are above the constitution, the fundamental principle of the state that is fundamental (Staats Fundamental Norm). Suparman Usman, *Etika dan Tanggung Jawab Profesi Hukum Di Indonesia*, Op. Cit, page. 129-143

⁵⁹ General Provisions of Article 1 of Law No. 11 of 2009 concerning Social Welfare, namely: Conditions for the fulfillment of material, Spiritual and social needs of citizens to be able to live properly and be able to develop themselves, so that they can carry out social functions

⁶⁰ Habib Adjie, *Hukum Notaris Indonesia*, (Bandung: PT. Rafika Aditama, 2008), page. 78

⁶¹ Article 28c (1), article 28D (1), article 28G (1), article 28H (1-4), article 28I (1,2,4 and 5), and article 28j (2) of the 1945 Constitution the fourth amendment

⁶² General Explanation of the 2004 UUJN

⁶³ Suparman Marzuki, *Robohnya Keadilan! Politik Hukum HAM Era Reformasi*, (Yogyakarta: PUSHAM UII, 2011), page. 34-42

⁶⁴ Achmad Ali, *Keterpurukan Hukum Di Indonesia (Penyebabnya dan Solusinya)*, (Jakarta: Ghalia Indonesia, 2002), page. 103-104

Table Reconstruction of the Notary Professional Code of Ethics in carrying out the position of notary based justice

Notary Code of Ethics	Weakness	Reconstruction
Article 3 letter 4 Be honest, independent, impartial, trustworthy, thorough, full of responsibility, based on legislation and the contents of a notary oath	The article only regulates the behavior of notaries to others, but not to themselves	Be humble, honest, independent, impartial, trustworthy, thorough, full of responsibility, based on legislation and the contents of a notary oath
Article 3 letter 5 Improving the knowledge and professional expertise that has been owned is not attached to legal science and notary	Improving knowledge alone is not enough because the basic thing that must be done by each notary is to know and understand each of the contents of the law and regulations regarding the deeds and scope of the deed to be made	Understand and understand the laws and regulations, Improve the knowledge and professional expertise that they already have not found in legal science and notoriety in supporting the quality of the notarial deeds produced.
Article 3 letter 8 Establish an office in the place of domicile and the office is the only office for the Notary concerned in carrying out daily office duties	In addition to the establishment of offices, organizations need to pay attention to the form / appearance of the office so that it has certain characteristics so that by just looking at the appearance of the office the community knows if the office is a notary's office.	Establish an office with the conditions determined by the organization in the place of domicile and the office is the only office for the Notary concerned in carrying out daily office duties
Article 3 letter 10 Present, participate and actively participate in activities organized by the Association	During this time if there is an activity held by the Association, all members of INI are not participating	Present, participate and actively participate in activities organized by the Association. If unable to attend, it is obligatory to state the reasons for their absence from the Regional Administrators
Article 3 letter 12 Pay regular Association contributions	This obligation is not carried out by all notaries and so far there has never been a sanction for members of the Association who have not made payment obligations	Pay regular Association contributions. Every member of the Association is obliged to pay an association fee of the same size. The organization will make periodic reports every month and monthly reports will be sent to the Regional Administrators
Article 4 letter 11 Intentionally employ people who are still employees of other Notary offices without prior approval from the Notary concerned, including accepting work from other Notary office employees	The problem of regulating notary employees needs to be regulated separately in Organizational Regulations ranging from employee recruitment to retirement employees	Article 4 letter 11 a. In selecting employees, a notary must pay attention to: 1. Age 2. Education Level 3. Work experience b. Notaries must provide health benefits, accident benefits and provide pensions to employees c. Notary is forbidden to intentionally employ someone who is still an employee of another Notary's office without prior approval from the Notary concerned, including accepting work from another Notary's office employee.

<p>Article 7 Supervision Supervision of the implementation of the Code of Conduct is carried out by: a. At the Regency / City level by the Regional Administrators and the Regional Honorary Council b. At the Provincial Level by the Regional Administrators and the Regional Honorary Council c. At the National Level by the Central Executive and the Central Honorary Board</p>	<p>It is necessary to involve all members of the Association to supervise each other with the main goal of maintaining the dignity of the Notary.</p>	<p>Article 7 1. Supervision of the implementation of the Code of Ethics is carried out by: a. At the Regency / City level by the Regional Administrators and the Regional Honorary Council b. At the Provincial Level by the Regional Administrators and the Regional Honorary Council c. At the National Level by the Central Executive and the Central Honorary Board 2. The organization provides an opportunity for each member to report other members who are perceived as violating the Notary Code of Ethics by bringing evidence</p>
<p>Article 8 Facts about Alleged Violations</p>	<p>There needs to be added security for those who report</p>	<p>3. The Honorary Council will guarantee the confidentiality and security of those who report allegations of Notaries who violate the Notary Code of Ethics</p>

D. CONCLUSION

Based on the results of research and discussion, it can be concluded that:

- a. Implementation of the code of ethics The notary profession has not been able to play a role in upholding, protecting and fulfilling human rights in Indonesia, as well as maintaining and upholding the values of truth and justice as human welfare and happiness instruments and including not fulfilling a sense of justice in legal treatment and security in carrying out legal actions. This is because since becoming a notary candidate, they have assumed that by taking the code of ethics exam, it means that they have understood what is meant by a code of ethics, while the code of ethics itself is not applied when the prospective notary has served as a notary. Weak supervision and not implementing strict sanctions against perpetrators of violations of the code of ethics result in activities violating the code of ethics something that must be understood. This condition if allowed to drag on does not rule out the possibility of moral loss and ultimately indirectly will have a negative impact on social services related to the notary profession. Violations of the code of ethics carried out by some notaries in carrying out their positions as notaries will not only harm the notary itself but can also harm professional organizations, the community and the state.
- b. Reconstruction of the notary code of ethics in carrying out the position of notary based on justice, that every notary should view the code of ethics as a necessity so that without supervision and sanctions, the notary is truly able to apply the code of ethics in his position as a notary. The reconstructed article is: Article 3 letter 4 (Honest, independent, impartial, trustworthy, thorough, full of responsibility, based on laws and regulations and the contents of the oath of notary office), Article 3 letter 5 (Enhancing knowledge and expertise the profession that has been owned is not attached to legal science and notary), Article 3 letter 8 (Establishes an office in the place of domicile and the office is the only office for the Notary concerned in carrying out daily office duties), Article 3 letter 10 (Present, participate in and actively participate in activities organized by the Association), Article 3 letter 12 (Paying Association membership fees regularly), Article 4 letter 11 (Accidentally employing people who are still employees of other Notary offices without prior approval from the Notary concerned, including accepting work from other Notary's office employees), Article 7 (Oversight Supervision) the implementation of the Code of Conduct is carried out by: a. At the Regency / City level by Regional Administrators and the Regional Honorary Board b. At the Provincial Level by Regional Administrators and Regional Honorary Councils c. At the National Level by the Central Management and the Central Honorary Council) and Article 8 (Alleged violations) so that the supervision carried out on the Notary can run effectively.

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