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Legal Certainty-Based Supervision of Notaries Violating the Code of Ethics in Malang City

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ABSTRACT

This article examines legal certainty-based law enforcement by the Regional Supervisory Council against Notaries who violate the Code of Ethics, with a study focused on the Regional Supervisory Council of Malang City. The research discusses the implementation of Article 67 paragraph (1) of Law Number 2 of 2014 concerning supervision and guidance of Notaries, the dominant factors causing ethical violations, and the obstacles and efforts of the Regional Supervisory Council in realizing legal certainty. This research uses a socio-legal method with an empirical juridical approach. Primary data were obtained through interviews with the Chairperson of the Regional Supervisory Council of Malang City, while secondary data were collected from laws and regulations, books, journals, the Notary Code of Ethics, and relevant legal sources. The findings show that supervision is carried out preventively through routine protocol inspections and guidance, and repressively through examination of public reports. However, obstacles remain, including weak integrity, incomplete protocols, limited evidence, and limited authority to impose final sanctions. Therefore, supervision must be strengthened to be clearer, more consistent, measurable, and legally certain.

INTRODUCTION

Notaries hold an important position in Indonesian legal practice because they are authorized to make authentic deeds that function as strong evidence in legal relations. As public officials, Notaries are required to perform their duties independently, honestly, carefully, and in accordance with the Law on Notary Office and the Notary Code of Ethics. However, in practice, violations of the code of ethics still occur, including the failure to read deeds before the parties, the signing of deeds not before a Notary, unhealthy competition, and cooperation with service bureaus or intermediaries to obtain clients (Nadia, Rizanizarli, & Rinaldi, 2021).

In Malang City, the Regional Supervisory Council has carried out supervision over Notaries, including inspections of Notarial protocols and follow-up on public complaints. Nevertheless, the research background shows that several problems remain, such as incomplete minuta, inconsistency between deed titles and deed contents, unprepared protocols, and the continuing existence of intermediary service practices related to notarial services. These conditions indicate a gap between the normative obligation of Notaries to comply with legal and ethical rules and the empirical reality of professional violations (Jaya, 2018).

Previous studies have generally discussed the role, authority, or implementation of supervision by the Regional Supervisory Council in relation to Notarial administration or certain forms of Notarial conduct. The novelty of this article lies in its focus on legal certainty-based law enforcement by the Regional Supervisory Council of Malang City against Notaries who violate the code of ethics. This article connects the implementation of Article 67 paragraph (1) of Law Number 2 of 2014, the dominant factors causing ethical violations, and the obstacles and efforts of the Regional Supervisory Council in realizing supervision and guidance based on legal certainty (Imania, Ngadino, & Hafidh Prasetyo, 2020).

Therefore, this article aims to analyze the implementation of supervision and guidance by the Regional Supervisory Council of Malang City, identify the dominant factors causing violations of the Notary Code of Ethics, and examine the obstacles and efforts made to establish clearer, more

consistent, measurable, and legally certain supervision of Notaries.

METHODS

This research uses a socio-legal method with an empirical juridical approach. The socio-legal method is used because the study does not only examine legal norms concerning the supervision and guidance of Notaries, but also observes how those norms are implemented in practice by the Regional Supervisory Council of Malang City. The empirical juridical approach is applied to identify the gap between legal provisions and the factual implementation of supervision over Notaries who violate the Code of Ethics.

The research instruments consist of interview guidelines and document study guidelines. Primary data were obtained through a semi-structured interview with the Chairperson of the Regional Supervisory Council of Malang City, Junjung Handoko Limantoro, S.H., M.H., as the respondent who has direct knowledge of the implementation of supervision and guidance. Secondary data were collected from laws and regulations, books, journals, the Notary Code of Ethics, the Standard Operating Procedure of the Notary Supervisory Council, and other relevant legal materials.

The data collection process was carried out through library research and field research. Library research was conducted by reading, identifying, and analyzing legal materials related to the authority of the Regional Supervisory Council, the Notary Code of Ethics, and legal certainty. Field research was conducted through direct interviews to obtain information on the mechanisms, obstacles, and efforts of supervision in Malang City.

The collected data were analyzed qualitatively. The analysis was conducted by organizing the data systematically, interpreting the relationship between legal norms and empirical findings, and drawing conclusions inductively. The results are presented descriptively in the form of structured explanations to show the implementation of supervision, dominant factors causing ethical violations, and the obstacles and efforts of the Regional Supervisory Council in realizing legal certainty-based supervision (Edgar & Utama, 2026).

RESULTS AND DISCUSSION

This section discusses the findings of the research based on the formulation of the problems, namely the implementation of Article 67 paragraph (1) of Law Number 2 of 2014 by the Regional Supervisory Council of Malang City, the dominant factors causing violations of the Notary Code of Ethics, and the obstacles and efforts made to realize legal certainty-based supervision and guidance.

1. Implementation of Article 67 Paragraph (1) of Law Number 2 of 2014 by the Regional Supervisory Council of Malang City

The results show that the Regional Supervisory Council of Malang City has implemented Article 67 paragraph (1) of Law Number 2 of 2014 through preventive and repressive supervision. Preventive supervision is carried out through routine inspections of Notarial protocols at least once a year and through guidance in the form of direct discussions with

Notaries. This mechanism is intended to prevent violations before they develop into more serious legal or ethical problems (Rifa'i & Iftitah, 2018).

Repressive supervision is conducted when there are public complaints or legal facts indicating alleged violations. The mechanism includes case review, formation of the Regional Examining Council, examination hearings, preparation of examination minutes, and submission of recommendations to the Provincial Supervisory Council. This shows that the Regional Supervisory Council does not directly impose final sanctions, but plays an important role in examining, clarifying, and recommending further action.

Based on the data in the research, the Regional Supervisory Council of Malang City supervised 163 Notaries and conducted inspections of 67 Notaries in 2023. The findings of these inspections can be seen in the following table.

Table 1. Findings of Notarial Protocol Inspection by the Regional Supervisory Council of Malang City in 2023

No.	Inspection Finding	Percentage
1	Sample test of <i>renvoi</i>	26%
2	Minuta not yet bound	20%
3	Sample test of consistency between deed title and deed content	16.25%
4	Sample test of attachment of parties' documents in the deed	12.5%
5	Others	25.25%
Total		100%

The table shows that the most frequent finding was related to the sample test of *renvoi*, followed by minuta that had not yet been bound. These findings indicate that administrative compliance remains an important issue in Notarial practice. Although these issues may appear administrative, they are closely related to legal certainty because Notarial protocols are official documents that must be maintained

properly to guarantee the validity, order, and evidentiary function of authentic deeds (Kusuma Prihayuningtyas & Silviana, 2023).

In addition to routine inspections, the Regional Supervisory Council also received public complaints. In 2023, there were 9 complaints, and 2 of them were found to truly violate the Law on Notary Office.

Table 2. Public Complaints Received by the Regional Supervisory Council of Malang City in 2023

No.	Description	Number
1	Total public complaints received	9
2	Complaints proven to violate the Law on Notary Office	2
3	Complaints not proven or not continued as violations	7

The data show that not every complaint submitted by the public can automatically be classified as a violation. A complaint must still be examined through proper procedures and supported by sufficient evidence. This reflects the importance of due process in the supervision of Notaries so that law enforcement does not only protect the public, but also protects Notaries from unfounded allegations.

From the perspective of Lawrence M. Friedman’s legal system theory, the implementation of supervision can be analyzed through three elements: legal structure, legal substance, and legal culture. The legal structure is reflected in the existence of the Regional Supervisory Council as the supervisory institution. The legal substance is reflected in the Law on Notary Office, the Notary

Code of Ethics, and the Standard Operating Procedure of the Notary Supervisory Council. Meanwhile, legal culture is reflected in the level of discipline, integrity, and ethical awareness of Notaries. The findings show that legal structure and legal substance already exist, but legal culture still needs to be strengthened(Fikri, 2024).

2. Dominant Factors Causing Violations of the Notary Code of Ethics

The research finds that violations of the Notary Code of Ethics in Malang City are caused by internal, external, and institutional factors. However, the internal factor is the most dominant because compliance with the Code of Ethics ultimately depends on the personal integrity, awareness, and discipline of each Notary.

Table 3. Dominant Factors Causing Violations of the Notary Code of Ethics

No.	Factor Category	Description	Position in Findings
1	Internal factors	Character, integrity, morality, ethical awareness, mindset, administrative discipline, and commitment to comply with legal provisions and the Notary Code of Ethics	Most dominant
2	External factors	Client pressure, intermediaries, service bureaus, competition among Notaries, low public legal literacy, and development of digital media	Supporting factor
3	Institutional factors	Limited supervision, limited evidence, low public reporting, and the need for stronger coordination among supervisory institutions	Supporting factor

Internal factors are dominant because a Notary is a public official who is personally responsible for every deed and professional action taken. Even when there is pressure from clients, intermediaries, or competition among Notaries, a Notary with strong integrity should be able to reject practices that violate legal and ethical norms. Therefore, the main problem is not merely the existence of rules, but the willingness and commitment of Notaries to obey those rules.

External factors also contribute to violations. The existence of service bureaus or intermediaries may encourage unhealthy practices, especially when they act as parties who seek or direct clients to certain Notaries. This is problematic because the Notary

Code of Ethics prohibits cooperation with service bureaus, persons, or legal entities that essentially act as intermediaries to obtain clients. Institutional factors also influence the effectiveness of supervision, especially when evidence is limited or when violations are difficult to detect(Yustica, Ngadino, & Maharani Sukma, 2019).

3. Obstacles and Efforts in Supervision and Guidance by the Regional Supervisory Council

The Regional Supervisory Council of Malang City faces several obstacles in carrying out supervision and guidance. These obstacles include technical-administrative problems, the behavior of Notaries, evidentiary limitations, and institutional limitations.

Table 4. Obstacles and Efforts in Supervision by the Regional Supervisory Council of Malang City

No.	Obstacles	Efforts
1	Notarial protocols are not ready during inspection, such as minuta not yet bound or properly organized	Routine inspection of Notarial protocols
2	Some Notaries are inactive or not present at the office during inspection	Direct guidance and active discussion
3	Weak integrity, character, and mindset of some Notaries	Continuous professional guidance
4	Limited preliminary evidence in alleged ethical violations, especially hidden violations involving intermediaries or service bureaus	Follow-up of public reports and legal facts through examination hearings
5	Limited authority of the Regional Supervisory Council to impose final sanctions	Preparation of examination minutes and recommendations to the Provincial Supervisory Council

The table shows that the Regional Supervisory Council has made several efforts to overcome the obstacles encountered in supervision. Routine inspection is used to ensure that Notarial protocols are properly maintained. Direct guidance and discussion are used to improve the understanding and awareness of Notaries (Wardio & Hanim, 2018). Meanwhile, examination hearings and recommendations to the Provincial Supervisory Council are used as repressive mechanisms when there are indications of violations.

However, the limited authority of the Regional Supervisory Council remains a significant issue. Since the Regional Supervisory Council cannot impose final sanctions directly, the effectiveness of supervision depends on the follow-up by the higher supervisory body. This condition affects legal certainty because the process of enforcement may become longer and less immediate.

4. Discussion on Legal Certainty-Based Supervision

Legal certainty requires clear norms, clear authority, clear procedures, consistency, and measurable implementation. In this research, the supervision conducted by the Regional Supervisory Council of Malang City already has a legal and procedural basis. The Council has carried out preventive supervision through routine inspections and guidance, and repressive supervision through

examination of complaints and recommendations to the Provincial Supervisory Council.

Nevertheless, legal certainty has not been fully realized because there are still several weaknesses. First, some Notaries have not fully complied with administrative obligations, as shown by findings related to *renvoi*, unbound *minuta*, and incomplete supporting documents. Second, some ethical violations are difficult to prove because they are hidden or involve informal cooperation with intermediaries. Third, the Regional Supervisory Council has limited authority in imposing final sanctions. Fourth, the ethical culture among Notaries still needs to be strengthened.

Therefore, legal certainty-based supervision requires not only formal procedures, but also stronger ethical awareness, better evidence mechanisms, institutional coordination, and consistent follow-up. The Regional Supervisory Council should continue to strengthen preventive supervision through guidance and routine inspections, while also improving repressive supervision through clearer examination procedures and stronger recommendations (Purwaningsih, 2015).

Overall, the findings indicate that the Regional Supervisory Council of Malang City has performed its supervisory and guidance functions based on the Law on Notary Office. However, the effectiveness of this supervision still needs to be strengthened so that

it becomes clearer, more consistent, measurable, and legally certain. This is necessary to ensure that Notaries carry out their duties in accordance with legal norms, professional ethics, and the public interest.

CONCLUSION

The implementation of Article 67 paragraph (1) of Law Number 2 of 2014 by the Regional Supervisory Council of Malang City has been carried out through preventive supervision, such as routine inspection of Notarial protocols and guidance for Notaries, as well as repressive supervision through examination of public complaints, case review, hearings, minutes of examination, and recommendations to the Provincial Supervisory Council. The findings show that the dominant factor causing violations of the Notary Code of Ethics is the internal factor of the Notary, particularly integrity, character, ethical awareness, mindset, and discipline, although external factors such as client pressure, intermediaries, service bureaus, and professional competition also contribute to ethical violations. The main obstacles faced by the Regional Supervisory Council include unprepared Notarial protocols, inactive Notaries or Notaries who are not present at their offices, limited preliminary evidence, weak ethical culture, and limited authority to impose final sanctions. Therefore, although the supervision conducted by the Regional Supervisory Council of Malang City already has a procedural basis, it must be strengthened to become clearer, more consistent, measurable, and legally certain. This article recommends stronger coordination among supervisory bodies and the Notary professional organization, clearer evidentiary mechanisms, continuous ethical guidance, stricter monitoring of intermediary practices, and consistent follow-up on violations. Future research may examine the effectiveness of sanctions imposed by higher supervisory bodies and compare supervision practices in different regions to develop a stronger model of legal certainty-based Notarial supervision.

REFERENCES

- Edgar, C. V., & Utama, Y. J. (2026). Analisis Yuridis Fenomena Persaingan Tidak Sehat Dalam Praktik Jabatan Notaris. *Law, Development and Justice Review*, 9(1), 44–61. <https://doi.org/10.14710/ldjr.9.2026.44-61>
- Fikri, E. D. (2024). AKIBAT HUKUM NOTARIS YANG BEKERJA SAMA DENGAN BIRO JASA. *Wijaya Putra Law Review*, 3(1), 72–90. <https://doi.org/10.38156/wplr.v3i1.182>
- Imania, D., Ngadino, N., & Hafidh Prasetyo, M. (2020). TANGGUNG JAWAB DAN PERLINDUNGAN HUKUM BAGI NOTARIS SECARA PERDATA TERHADAP AKTA YANG DIBUATNYA. *Notarius*, 13(1), 250–265. <https://doi.org/10.14710/nts.v13i1.30394>
- Jaya, W. P. (2018). Pertanggung Jawaban Notaris Berkenaan Dengan Kebenaran Substansi Akta Otentik. *Rechtidee*, 12(2), 267–285. <https://doi.org/10.21107/ri.v12i2.2872>
- Kusuma Prihayuningtyas, A., & Silviana, A. (2023). Timbulnya Persaingan Tidak Sehat Antar Notaris Sebagai Dampak Dari Pelanggaran Kode Etik Notaris. *Jurnal Lex Renaissance*, 8(1), 39–57. <https://doi.org/10.20885/JLR.vol8.iss1.art3>
- Nadia, N., Rizanizarli, R., & Rinaldi, Y. (2021). Faktor-Faktor Yang Mempersulit Proses Penegakan Hukum Terhadap Notaris Yang Melakukan Pelanggaran Kode Etik Notaris. *Jurnal IUS Kajian Hukum Dan Keadilan*, 9(2), 332–350. <https://doi.org/10.29303/ius.v9i2.786>
- Purwaningsih, E. (2015). BENTUK PELANGGARAN HUKUM NOTARIS DI

WILAYAH PROVINSI BANTEN DAN
PENEGAKAN HUKUMNYA. *Mimbar
Hukum - Fakultas Hukum Universitas Gadjah
Mada*, 27(1), 14.
<https://doi.org/10.22146/jmh.15907>

Rifa'i, A., & Iftitah, A. (2018). BENTUK-BENTUK
PELANGGARAN HUKUM DALAM
PELAKSANAAN JABATAN NOTARIS.
Jurnal Supremasi, 4.
<https://doi.org/10.35457/supremasi.v8i2.486>

Wardio, D., & Hanim, L. (2018). Peranan Majelis
Pengawas Daerah (MPD) Terhadap
Pengawasan Pelaksanaan Tugas Jabatan
Notaris Di Kabupaten Sleman. *Jurnal Akta*,
5(1), 127.
<https://doi.org/10.30659/akta.v5i1.2540>

Yustica, A., Ngadino, N., & Maharani Sukma, N.
(2019). PERAN ETIKA PROFESI NOTARIS
SEBAGAI UPAYA PENEGAKAN HUKUM.
Notarius, 13(1), 60–71.
<https://doi.org/10.14710/nts.v13i1.29162>