THE AUTHORITY OF THE NOTARY HONORARY COUNCIL FROM AN ADMINISTRATIVE LAW PERSPECTIVE

Muhammad Bahtiar Nur[1*], Hadin Muhjad[2]
[1,2]Universitas Lambung Mangkurat, Banjarmasin, Indonesia
muhammadbahtiar420@gmail.com[1*], hadin.muhjad@gmail.com[2]

Abstract

The Authority of the Notary Honorary Council from an Administrative Law Perspective. This study aims to determine and analyze the existence of the Notary Honorary Council within the notary profession. Furthermore, it aims to determine and analyze the authority of the Notary Honorary Council regarding Notaries involved in criminal cases. This legal research uses normative legal research or library legal research. This research is prescriptive in nature. The research approaches used are the Statutory and Conceptual Approaches. The Notary Supervisory Council's role in supervising Notaries before the enactment of Law No. 30 of 2004 was carried out by the Court, as stated in Staatsblad 1860 concerning the Regulations on the Position of Notaries. After Law No. 30 of 2004, supervision of Notaries was carried out by the Regional Supervisory Council. After Law No. 2 of 2014, the Notary Honorary Council was created as a replacement for the Regional Supervisory Council, with the same function: approving or rejecting summonses issued by law enforcement officers for Notaries. The authority of the Notary Honorary Council in criminal proceedings involving Notaries highlights the potential dilemma between the obligation to maintain professional confidentiality and to provide testimony, as well as the problems that arise, especially at the investigative stage, regarding the approval of the Notary's summons. The procedure for summoning a Notary that requires the approval of the Notary Honorary Council has the potential to conflict with the principles of simple, fast, and low-cost justice, as well as the principle of equality before the law.

Keywords : Notary Honorary Council, Authority, Notary Public

INTRODUCTION

A notarial deed is created through the direct involvement of the parties appearing before the notary. They are the primary actors in drafting the deed, resulting in an authentic deed. A notary's deed authentically describes all acts, agreements, and stipulations witnessed by the parties and witnesses. In carrying out their duties in drafting a deed, a notary is responsible for the deed as a realization of the parties' wishes in the form of an authentic deed.

However, it is not uncommon for the existence of an authentic deed prepared by a notary to be disputed by one or more parties who feel they have been harmed by the authentic deed. This can be done through denial of the contents of the deed, the signatures included in the deed, the presence of the parties before the notary, or even allegations of false statements contained in the authentic deed. Because of these circumstances, notaries are often named as defendants or co-defendants, or as witnesses or even suspects or defendants. Consequently, notaries are summoned by law enforcement investigators, public prosecutors, or judges to appear for examinations, prosecutions, or trials to provide information regarding legal issues related to the deeds they have drawn up.

In practice, the Notary Honorary Council often refuses to grant permission for notaries to be questioned. This, of course, creates legal uncertainty for both the complainant and the reported party (suspect/defendant), as their cases are delayed. Article 66 paragraph (1) of Law No. 2 of 2014 contradicts the legal objective of justice. The phrase "with the approval of the Notary Honorary Council" contradicts the principle of equality before the law, a fundamental principle in a state based on the rule of law. Preferential treatment of notaries creates unequal standing before the law.

This leads to injustice for other citizens. Furthermore, this regulation also has the potential to create injustice for Indonesian citizens whose constitutional rights are violated by the actions of notaries. Notaries will face legal challenges because the examination must be authorized by the Notary Honorary Council. Furthermore, the Notary Honorary Council, in exercising its authority to "give" or "withhold" approval, sometimes touches on the realm of evidence/conclusion in a case. In fact, the act of concluding a case should be the domain of the Panel of Judges.

The judicial process by investigators, public prosecutors, or judges to retrieve documents held by a notary and summon a notary to appear for an examination related to the documents they have prepared, which can only be conducted with the approval of the Notary Honorary Council, falls within the group of regulations that should not contain disparate treatment that contradicts the principle of equal protection as guaranteed by Article 27 paragraph (1) and Article 28D paragraph (3) of the 1945 Constitution of the Republic of Indonesia, namely equality before the law and government.

RESEARCH METHODS

This legal research employs normative legal research or library legal research. The research examined by the author is prescriptive in nature, aimed at understanding, reviewing, and assessing the existence of the Notary Honorary Council within the notary profession, and the authority of the Notary Honorary Council as part of criminal law enforcement.

The research approaches used by the researcher in conducting normative legal research, "The Authority of the Notary Honorary Council from an Administrative Law Perspective," are as follows: Statute Approach and Conceptual Approach.

This research utilizes primary, secondary, and tertiary legal materials. The technique used to collect primary, secondary, and tertiary legal materials is literature review. Literature review emphasizes document review, namely written materials containing information classified as primary, secondary, and tertiary legal materials.

RESULT AND DISCUSSION

The Existence of the Notary Honorary Council in the Notary Profession Before Law Number 30 of 2004 Concerning the Position of Notary

The existence of the Notary Supervisory Board in Staatsblad 1860 concerning the Regulations on Notary Positions. Prior to the enactment of Law No. 30 of 2004, supervision of notaries was carried out by the court. This is regulated in Article 50 of Staatsblad 1860 Number 3, the Regulations on Notary Positions. Article 50 of the Regulations on Notary Positions states: If a notary neglects the dignity or duties of his/her office, violates general regulations, or commits other errors, either within or outside the scope of his/her position as a notary, the matter shall be reported to the district court by the public prosecutor in whose jurisdiction the notary is located.

If the district court learns of the matter through other means, the public prosecutor shall be heard regarding the matter. Beyond the matters stipulated in this regulation for penalties, the district court, in a deliberation session, has the authority to impose the following penalties:

1. a warning;
2. temporary suspension for three to six months.

If, in its opinion, one of the penalties is disproportionate to the seriousness of the violation committed, the court has the authority to propose the dismissal of the notary to the Minister of Justice. No warning or temporary dismissal will be issued, and no proposal for dismissal will be submitted until the notary has been properly heard or summoned. Before dismissing a notary, the Minister of Justice will seek the opinion of the Supreme Court. If dismissal is granted, the district court will immediately appoint a replacement.

The Existence of the Notary Honorary Council in the Notary Profession After Law Number 30 of 2004 Concerning the Position of Notary

Law No. 30 of 2004 grants the Notary Supervisory Board, the sole supervisory body authorized to supervise, inspect, and impose sanctions on Notaries before any Notary who commits a violation is brought to trial by the police, prosecutors, or the courts. Article 68 of the Notary Supervisory Board comprises several bodies:

1. Regional Supervisory Board.
2. Regional Supervisory Board
3. Central Supervisory Board.

These Supervisory Boards have distinct authorities, obligations, and roles within the Notary organization. This is intended to ensure effective supervision and foster moral and ethical Notaries in carrying out their professional responsibilities as Notaries within the community, in accordance with the mandate of Law No. 30 of 2004. The existence of the Notary Supervisory Board can be seen from the authority of each supervisory body granted to the Notary Supervisory Board by Law No. 30 of 2004.

The Constitutional Court's decision in Decision No. 49/PUU-X/2012 regarding Article 66 Paragraph 1 of Law No. 30 of 2004, the existence of the Regional Supervisory Council regarding the authority of Article 66 has been lost and can no longer be used as the right of the Regional Supervisory Council institution in exercising its authority in the region. However, the Constitutional Court's decision regarding Article 66 paragraph 1 does not immediately eliminate the existence of the Regional Supervisory Council.

Describes the outcome can be an increase in knowledge, skill or product. The results also reveal the level of achievement of the target activity. If in the form of objects there needs to be an explanation of product specification, its advantages and disadvantages. Output writing should include photos, charts, graphs, charts, drawings and more. The discussion is sequential in the order in which the objectives are, and it has been described first. The discussion is accompanied by a logical argument by linking the results with theories, other results and/or research results.

The Existence of the Notary Honorary Council in the Notary Profession After Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary

The development and oversight body for Notaries should be made more effective to oversee the behavior and actions of Notaries in carrying out their professional duties, as their role and authority are vulnerable to abuse that can be detrimental to public life. As an effort to avoid and minimize weaknesses or deficiencies in the Notary Supervisory System, provisions governing the Notary Supervisory Council have been established.

In the context of administrative law, an understanding of the theory of authority is fundamental to analyzing the legitimacy and limits of the actions of a public body or official, including the Notary Honorary Council. Authority is not merely factual power, but rather a competence conferred by statutory regulations, encompassing the right to take legal action (bevoegdheid) and the obligation to carry it out in accordance with established objectives. The theory of authority in administrative law emphasizes that every administrative action must be based on a valid attribution, delegation, or mandate, thus preventing arbitrary action and ensuring legal certainty. Therefore, a careful review of the authority of the Notary Honorary Council must be conducted through the lens of this theory to ensure that every decision and action taken has a strong legal basis and does not exceed established boundaries.

The role of the Notary Honorary Council in conducting and carrying out investigations against Notaries suspected of committing criminal acts. In carrying out its legal function, it is explained that criminal law regulates the powers of the Notary Honorary Council in the Notary Status Law and in this regulation it is explained that the Notary Honorary Council has the authority to examine Notaries. Therefore, law enforcement officers who will conduct an examination of a Notary must first request permission from the Notary Honorary Council. If the Notary Honorary Council has given approval, the law enforcement officer can begin his duties. This is based on the authority held by the Notary Honorary Council which is a mandate from statutory regulations that must be implemented and enforced in society.

The Position of the Notary Honorary Council in the Criminal Justice System

As a notary, the official who makes deeds can certainly come into contact with criminal law. It is possible that notarial practices are often misused or exploited by irresponsible individuals. Therefore, the notary will be involved or act as a witness in court, resulting in the examination of the deed. This creates a dilemma for the notary in carrying out their duties: maintaining official confidentiality is a mandatory requirement, while also facing the obligation to testify.

A position inherently possesses a characteristic or characteristic that distinguishes it from other positions in society. Although other positions sometimes require appointment or permission from the government, for example, lawyers and doctors, whose appointment essentially grants permission or authorization, a license to perform a position. They do not possess the characteristics of public officials, as they do not exercise any power derived from government authority (gezag). They are private individuals bound only by the regulations regarding their position and are free to practice their profession. They may choose their own workplace, are not bound by leave regulations, or have strict administrative regulations related to their work. The position of a Notary as a public official in society and the evidentiary power of the authentic deeds they create, can be said to be a position of trust. This position of trust granted by law and society requires a person working as a Notary to be responsible for carrying out that trust to the best of their ability and upholding legal ethics, the dignity, and the nobility of their position. And if that trust is violated in the creation of a deed, whether intentionally or unintentionally, the Notary is obliged to be accountable.

The provisions regarding the Notary Honorary Council are contained in Article 66 of Law No. 2 of 2014, which governs the duties and responsibilities of the Notary Honorary Council. Previously, the authority of the Notary Honorary Council rested with the Regional Notary Supervisory Council, as stipulated in Article 66.30 of 2004. This formulation of Article 66 of Law No. 30 of 2004 has generated both pros and cons in the Indonesian judicial process, particularly for investigative purposes.

During the examination of a notary or the retrieval of minutes of a deed, there are conflicts of interest and understanding of regulations between the investigator and the notary, as the party being examined. The existence of the Regional Notary Supervisory Council, as an institution that protects notaries in carrying out their duties as public officials in accordance with the law, is considered to complicate the notary examination process and protract the law enforcement process. Consequently, Article 66 of Law No. 30 of 2004 was subject to judicial review at the Constitutional Court.

The authority of the Regional Supervisory Council has been abolished and declared to have no binding legal force by the Constitutional Court of the Republic of Indonesia through its decision, namely the Decision of the Constitutional Court of the Republic of Indonesia Number 49/PUU-X/2012 on the grounds that it is contrary to the 1945 UUDNRI. After the enactment of Law No. 2 of 2014, the authority of the Regional Supervisory Council that had been abolished and declared to have no binding legal force based on the Decision of the Constitutional Court Number 49/PUU-X/2012 reappeared and was delegated to the Notary Honorary Council.

The position of a Notary as a public official within the community and the evidentiary power of the authentic deeds they produce make the position of Notary a position of trust. This position of trust, conferred by law and society, obliges a Notary to exercise this trust to the best of his or her ability, upholding legal ethics, the dignity, and the dignity of his or her office. If this trust is breached while executing a deed, whether intentionally or unintentionally, the Notary must be held accountable.

The Notary Honorary Council is the institution tasked with and authorized to approve or disapprove a notary's summons by law enforcement officials to provide information related to a criminal case involving a notarial deed. According to statutory regulations, the Notary Honorary Council's authority extends to three stages: investigation, prosecution, and the judicial process for a criminal case, but not within the investigation stage. The issue here is that if law enforcement officers, during an investigation, require a notary's statement or a photocopy of the minutes of a deed from a notary, does the Notary's Honorary Council have the authority to "assess" whether to approve or reject the request for a summons from the police to summon a notary in a criminal case?

Investigations can only be conducted by investigators, namely police officers authorized to conduct investigations. Investigations can be conducted by investigators, namely police officers or certain civil servants with special authority by law. To shed light on a criminal case during the investigation process, particularly in cases involving a notary or a notarial deed, law enforcement may require information from the notary regarding the deed the notary prepared, which is certainly related to the crime, or may require a photocopy of the minutes of the deed held by the notary in question.

As is known, obtaining a notary's statement or a photocopy of the minutes of the notary's deed in a criminal case requires the approval of the Notary's Honorary Council. This is problematic, considering that the statutory authority for approval is limited to the authority of the notary. Law enforcement officials only request or refuse to summon a notary during the investigation, prosecution, and judicial process. This is not regulated during the investigation phase.

This situation creates legal uncertainty when law enforcement officers request information from a notary or a photocopy of the minutes of a deed in connection with a criminal case they are investigating. Changes are needed, particularly regarding the duties and authority of the Notary Supervisory Board to approve or reject a notary summons or a request to obtain a photocopy of the minutes of a notary deed in a criminal case involving a notary. This is to ensure that law enforcement officers do not experience difficulties in obtaining information from notaries in connection with criminal cases involving notaries.

A request to summon a Notary must be submitted in writing to the Chair of the Regional Notary Honorary Council within the Notary's jurisdiction. The request must include the Notary's name, office address, the number of the related deed or letter, and the subject matter of the alleged case. The Chair of the Regional Notary Honorary Council must provide a response (approval or rejection) within 30 days of receipt of the request. If no response is received within that timeframe, the request is deemed approved.

However, this process creates problems because it can hinder the criminal justice process which should be fast and simple, unlike summoning the general public. This is considered to be contrary to the principle of equality before the law (equality before the law) which is guaranteed in Article 27 paragraph (1) and Article 28D paragraph (3) of the 1945 UUDNRI, as well as the principle of simple, fast and low-cost justice in Article 2 paragraph (4) of Law No. 48 of 2009. Article 66 paragraph (1) of Law No. 2 of 2014 has the potential to cause injustice and legal uncertainty, because it becomes difficult for Notaries to be processed legally and the Notary Honorary Council sometimes touches on the realm of evidence which should be the domain of the Panel of Judges.

The Mechanism for Approving Notary Summons and Its Impact on the Investigation Process

As the official who makes deeds, a notary public can certainly come into contact with criminal law. It's possible that notarial practices are often misused or exploited by irresponsible individuals. Therefore, a notary public will be involved or act as a witness in court, leading to the examination of the deed. This creates a dilemma for notaries in carrying out their duties: maintaining official confidentiality is a mandatory requirement, while also facing the obligation to testify. Summoning a notary public by investigators is a crucial issue in Indonesian notarial law. This is specifically regulated in Law No. 30 of 2004.

The Notary Honorary Council is an institution authorized to supervise notaries, approve or deny requests for photocopies of minutes of deeds, summon notaries to appear for examinations, and protect notaries suspected of committing criminal offenses. The Notary Honorary Council exists to provide legal protection for notaries and the public. The Notary Honorary Council can assist investigators in determining whether there are criminal elements in minutes of deeds and notarial protocols.

The function and role of the Notary Honorary Council are essential in providing guidance and legal protection for Notaries to prevent them from legal problems. Therefore, as explained above, the Notary Honorary Council protects the office of Notary, ensuring that the function of the Notary Honorary Council is to protect the dignity of the Notary's office. Furthermore, the legal basis explained above also highlights the meaning of legal protection provided by the Notary Honorary Council.

The organized and transparent presence of Notaries, who act as public officials and play a crucial role in drafting legal documents, during investigations, prosecutions, and trials is guaranteed by the procedures stipulated in Article 66 of Law No. 30 of 2004 and Minister of Law and Human Rights Regulation No. 17 of 2021, a legislative measure designed to protect their rights and fulfill their obligations. Because of their dedication to maintaining client confidentiality, Notaries are valued and protected from harm. Investigators begin the procedure by sending a request letter to the Regional Notary Honorary Council requesting permission to summon a Notary. Through the Examination Panel, the Regional Notary Honorary Council conducts an initial assessment of the Notary Public after receiving the application.

During this examination procedure, the Notary Public must be physically present and cannot be represented. If the Notary Public has been properly summoned and fails to appear twice in a row, the Examination Panel, at the investigator's request, shall issue a finding. The Notary Public must provide a copy of the minutes of the deed and other necessary documents to the investigator, public prosecutor, or court, as determined by legal process, upon approval by the Examination Panel.

Following the submission of these documents, an official report must be prepared, signed by the authorized party and the Notary Public, and witnessed by two witnesses. After receiving the application for approval to summon the Notary Public sent to the Regional Notary Honorary Council, the next step is to summon the Notary Public to appear at the Examination Hearing at the Notary Honorary Council. To conduct the examination of the Notary Public, the Chair of the Regional Notary Honorary Council shall form an Examination Panel consisting of three members, each representing the members of the Regional Notary Honorary Council.

The Notary's summons approval mechanism and its impact on the investigation process. Investigators, public prosecutors, or judges are required to obtain approval from the Notary Honorary Council before summoning a Notary for examination or obtaining photocopies of the Minutes of Deeds and/or related documents held by the Notary. This provision is stipulated in Article 66 paragraph (1) of Law No. 2 of 2014.

In urgent circumstances, it is also possible to issue a summons via fax or email, followed by a written summons. Immediately after the summons is issued, the Examination Panel determines the time for the Examination hearing. The examination hearing must be attended by all three established Panels (all three elements must be met). If one of the Panels is unable to attend, the examination hearing cannot be held and must be postponed until all three Panels are present in full at the Notary examination hearing. However, on the other hand, the Examination Panel is required to immediately provide a response in the form of approval or rejection of the request from the investigator, public prosecutor, or judge, within a maximum period of 30 days from the date of receipt of the request. If the specified time limit is exceeded, the Examination Panel, with the approval of the Chair of the Regional Notary Honorary Council, is deemed to have accepted the request for approval submitted by the Investigator, Public Prosecutor, or Judge. Notaries who are under examination by the Notary Honorary Council must be recognized and given attention to their rights as stipulated in Law No. 30 of 2004. The justice given to Notaries is justice that is valued according to legal norms, with a sense of justice so that Notaries can be protected by the existence of the Notary Honorary Council. The existence of the Notary Honorary Council will guarantee that the Notary's rights are maintained in carrying out his/her duties and when investigators request the Notary Honorary Council to be able to examine the Notary and take photocopies of minutes of deeds and letters in his/her storage in accordance with Law No. 30 of 2004.

The primary purpose of this approval mechanism is to protect the independence of Notaries from disproportionate intervention by law enforcement officials. The Notary Honorary Council serves as an initial filter that screens summons requests, ensures that summonses are not based on arbitrary grounds, and upholds the dignity of the notary profession. Before granting approval, the Notary Honorary Council will conduct a preliminary examination, including holding a hearing, to examine alleged violations committed by the Notary. This aims to prevent the criminalization of Notaries for actions that may be more of an administrative violation than a criminal offense.

However, this approval mechanism also poses challenges in the criminal law enforcement process. Delays in granting approval or refusal without adequate justification can hamper the investigation, prosecution, or trial process. This has the potential to lead to protracted judicial proceedings, contradict the principles of simple, expeditious, and low-cost justice, and can lead to injustice. Furthermore, this provision is also considered contrary to the principle of equality before the law, as it provides preferential treatment to Notaries that can lead to injustice for other citizens. There are also concerns that the authority of the Notary Honorary Council to approve or reject a summons could affect the realm of evidence in a case, which should be the domain of the Panel of Judges. Therefore, better synergy and coordination between the Notary Honorary Council and law enforcement officials is needed to ensure that the protection of Notaries is in line with the principles of the rule of law and the pursuit of justice.

Challenges of the Notary Honorary Council in Enforcing Criminal Law Involving Notaries.

The Central Notary Honorary Council is tasked with providing guidance and supervision to the Regional Notary Honorary Council. The Central Notary Honorary Council does not have the same authority as the Regional Notary Honorary Council, which has direct relations with Notaries. The Regional Notary Honorary Council has the most important duties and functions related to the implementation of the Notary's office, including providing guidance and protecting the Notary's position when the Notary is faced with issues that conflict with their duties and authority. The Examination Council is formed by the Regional Notary Honorary Council and is tasked with conducting examinations of Notaries after obtaining approval from the Regional Notary Honorary Council.

The Right of Refusal and the Obligation to Refuse are used in different circumstances. The Right of Refusal can be exercised when a Notary is summoned to be examined as a witness in court, in both civil and criminal cases. The Obligation to Refuse is exercised when questioned as a witness or providing testimony during an investigation, by stating that they will exercise their obligation to refuse, as stipulated in Law No. 2 of 2014. The background to a notary's exercise of the right to challenge a decision of the Notary Honorary Council regarding law enforcement is an effort by a notary to protect the public interest. By exercising the right to challenge or the obligation to challenge, the notary maintains the confidentiality of the deeds they draft, which contain the confidentiality of the clients who use their services.

A notary must maintain the confidentiality of the contents of the deeds they draft. This is based on public law and the public interest, not the personal interests of the notary. Notarial practice does not require that a notary's deed be challenged in a district court. Therefore, the notary will accept and comply with a summons regarding a criminal case related to the deed. In this case, the notary may exercise their right or obligation to challenge. A notary who wishes to exercise the right to challenge must submit a written request to the judge adjudicating and/or examining the deed, stating that the notary will exercise their right to challenge. After receiving the application letter, the Judge will decide to reject or grant the application to use the right of denial, so that if it is granted, the Notary does not need to testify.

The Notary Honorary Council is a new institution established to provide guidance and oversight to notaries, particularly regarding their involvement in criminal law matters. The Notary Honorary Council consists of representatives from notaries, government agencies, and academics. It is divided into the Central and Regional Notary Honorary Councils, and the Examination Council. The Regional Notary Honorary Council plays the most crucial role in the development and protection of notaries because it directly liaises with them. Its primary duty is to approve or reject requests from investigators, public prosecutors, or judges to examine notaries or minutes of deeds, with the aim of protecting the notary's position and maintaining the confidentiality of deeds.

Despite its crucial role, the Notary Honorary Council faces various challenges in enforcing criminal law involving notaries. Cases involving notaries are often complex and technical, complicating the assessment of violations. Furthermore, regulations regarding summoning notaries and legal sanctions are often vague, creating ambiguity and inconsistency. Article 66 of Law No. Law No. 2 of 2014, which requires the approval of the Notary Honorary Council for summoning a notary, also presents a dilemma. Law enforcement feels hampered while notaries can hide behind the authority of the Notary Honorary Council. The lack of a complete chronology in the letter requesting the examination of a deed and summoning a notary also complicates the Notary Honorary Council's decision-making.

Other challenges include the blurred line between official misconduct and personal misconduct of a notary, as well as the limited authority, budget, and infrastructure of the Notary Honorary Council. It is important to remember that the Notary Honorary Council functions to protect the dignity of the notary profession, not to protect individual notaries found guilty of criminal acts. To address these challenges, regulatory revisions and clarification are needed, improved coordination and communication between the Notary Honorary Council and law enforcement officials, and increased capacity of Notary Honorary Council members in understanding aspects of criminal law. Collaboration and transparency will strengthen the Notary Honorary Council's position as an integral part of a modern and equitable law enforcement system, in line with the theory of progressive and participatory law enforcement.

CONCLUSION

Prior to the enactment of Law No. 30 of 2004, the Notary Supervisory Board's role in supervising Notaries was carried out by the Court, as stipulated in Staatsblad 1860 concerning the Regulations on Notary Positions. Following Law No. 30 of 2004, notary supervision was carried out by the Regional Supervisory Board. Following Law No. 2 of 2014, the Notary Honorary Board was created as a replacement for the Regional Supervisory Board, with the same function of approving or rejecting summonses for Notaries by law enforcement officials.

The authority of the Notary Honorary Board in criminal proceedings involving notaries highlights the potential dilemma between the obligation to maintain professional confidentiality and to provide testimony, as well as the problems that arise, particularly during the investigation phase, regarding the approval of summonses for Notaries. The procedure for summoning Notaries, which requires the approval of the Notary Honorary Board, potentially conflicts with the principles of simple, expeditious, and low-cost justice, as well as the principle of equality before the law.

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