

**CRIMINAL LIABILITY FOR NOTARIES THOSE INVOLVED IN
DOCUMENT FORGERY****Fifi Ayu Lestari**Faculty of Laws, Universitas Pamulang, Pamulang, Indonesia
dosen03012@unpam.ac.id**Abstract**

The purpose of writing this journal is to analyze and examine how criminal liability for Notaries involved in document forgery is viewed from a criminal law perspective and how criminal law provisions apply to Notaries involved in document forgery. Article 1 paragraph (1) of the Notary Law states that a Notary is a Public Official who is authorized to make authentic deeds and has other authorities as referred to in this Law or based on other Laws. Notaries obtain attributional authority from the State through the Notary Law, meaning that this authority is inherent in the Notary's Office. In carrying out their duties and positions, Notaries are generally assisted by Notary staff, in this case preparing everything needed to make authentic deeds. One of the documents that must be prepared by Notary staff is a letter. Notary staff only assists in carrying out their work. Responsibility for authentic deeds remains the responsibility of the Notary. If the Notary commits the crime of document forgery which results in defects in the authentic deed, it is possible that the Notary must be held responsible for this. Forgery of letters that occurs can occur due to the falsification of the contents of the letter or the falsification of the authority and the contents of the authority in the letter. Criminal liability for a Notary if proven to have committed the crime of forgery of letters is the crime of participation in the crime of forgery of letters contained in Article 55 Jo. Article 263 paragraph (1) and (2) of the Criminal Code or Article 264 or 266 of the Criminal Code, as well as Article 56 paragraph (1) and (2) Jo. Article 263 paragraph (1) and (2) of the Criminal Code or Article 264 and Article 266 of the Criminal Code, because the Notary is considered negligent in carrying out his duties and position.

Keywords : Criminal liability, Notary, Document forgery

INTRODUCTION

Cases that often occur in the world of Notaries related to the forgery of authentic deeds include, among others, the lack of caution of the Notary in making an authentic deed can cause the Notary to be involved in a criminal case. When making a deed of agreement between the employer (Client) and the employee (Notary) who appears is not the person authorized to act as appointed by someone to carry out legal actions because of a lack of caution or thoroughness of a Notary who has written the identity of the person into the deed.

One of the Indonesian citizens who works as a public figure, namely Nirina Zubir and her family admitted to being victims of land mafia in the form of embezzlement of land and building assets belonging to Cut Indria M's mother, with a total loss of Rp. 17 billion. Polda Metro Jaya has named 5 (five) suspects, namely the first cluster of perpetrators are household assistants, namely Riri Charisma and Edriyanto, while the second cluster of perpetrators is a notary who has falsified land deeds, namely Farida, Ina Rosaina, and Erwin Riduan. Starting from her mother, Nirina Zubir, who entrusted the management of 6 (six) land certificates to Riri Charisma and Edriyanto (ART), this trust was exploited by Riri and her husband, by committing a crime to control the rights and ownership of the land certificate (<http://metro.sindronews.com>).

Riri as the perpetrator then falsified documents to control the 6 (six) certificates, of the 6 (six) certificates, 1 (one) was changed to Edriyanto's name while the 5 (five) were in the name of Riri Kharisma. Besides being assisted by Edriyanto, Riri did not work alone, she had a Notary acquaintance named Farida from PPAT Tangerang who carried out her actions as a land mafia. However, in this task Farida needed another Notary, because the 6 (six) property assets belonging to Mrs. Nirina Zubir were all in the West Jakarta area. The parties who assisted Notary Farida were Ina Rosaina and Erwin Riduan, who worked as Notaries/PPATs, they participated in the process of buying and selling land certificates. This case came to light after Nirina Zubir's mother died on November 12, 2021. And for their actions the suspects were charged under Articles 378, 372, and 263 of the Criminal Code concerning fraud and document falsification (<http://metro.sindronews.com>).

A notary is a public official authorized to make authentic deeds and other authorities as referred to in Law Number 2 of 2014 concerning the amendment to Law Number 30 of 2004 concerning the Position of Notary. A notary is a public official authorized to make authentic deeds as long as the making of certain authentic deeds is not specifically for other public officials. The need for written agreements to be made before a notary is to guarantee legal certainty and for strong evidence law for the parties entering into the agreement. The authority to make this authentic deed is only carried out by a notary as long as the making of certain authentic deeds is not specifically for other public officials, it can be concluded that a notary is the only public official who has the authority to do so (Adjie, 2009).

Notaries are often involved in legal cases, either as witnesses or as suspects. The involvement of a Notary in a legal case is caused by errors in the deeds they make, either due to the Notary's own mistakes or the mistakes of the parties or one of the parties who does not provide the actual information or documents (there is no good faith from the parties or one of the parties) or there has been an agreement between the Notary and one of the parties that causes harm to the other party (the Notary participates in committing a crime) (Mulyoto).

In relation to the deed he made, the Notary must be held criminally responsible for causing losses to the parties or one of the parties (Koesoemawati, et.al., 2009). Notaries cannot be held criminally liable, as they are only responsible for the formal aspects of deed preparation. This applies if there is any suspicion of involvement by a notary in an unlawful act or participation in the crime of document forgery (Latumaten, 2009). In Indonesian law, falsifying something is a form of criminal act that is regulated in the Criminal Code (KUHP). The

provisions regarding participating in and assisting in committing can be seen in Article 55 (participating in) and Article 56 of the Criminal Code (assisting in):

Article 55 of the Criminal Code:

- 1) Convicted as a person who committed a criminal act
 1. The person who commits, orders to do, or demands to do the act;
 2. A person who, by means of gifts, agreements, misuse of power or influence, violence, threats or deception or by providing opportunities, efforts or information, intentionally persuades someone to do something.
- 2) Regarding the people mentioned in sub 2e, what they are responsible for is only the actions they deliberately induced, and their consequences.

Article 56 of the Criminal Code is punishable as a person who commits a crime:

- 1) Whoever intentionally helps commit the crime;
- 2) Whoever intentionally provides the opportunity, means or information for the crime.

Criminal provisions are not regulated in the Notary Public Law (UUJN). UUJN only regulates sanctions for violations committed by Notaries against UUJN, these sanctions can be in the form of civil sanctions in Article 84 UUJN or administrative sanctions in Article 85 UUJN, while criminal liability for Notaries is regulated in the Criminal Code if the Notary commits the crime of falsifying documents. Article 84 of the Notary Public Law reads:

"Acts of violation committed by a Notary against the provisions as intended in Article 16 paragraph (1) letter i, Article 16 paragraph (1) letter k, Article 41, Article 44, Article 48, Article 49, Article 50, Article 51, or Article 52 which result in a deed only having the power of proof as a private deed or for the party who suffers losses to demand reimbursement of costs, compensation and interest from the Notary."

Article 85 of the Notary Position Law reads:

"Violations of the provisions as referred to in Article 7, Article 16 paragraph (1) letter a, Article 16 paragraph (1) letter b, Article 16 paragraph (1) letter c, Article 16 paragraph (1) letter d, Article 16 paragraph (1) letter e, Article 16 paragraph (1) letter f, Article 16 paragraph (1) letter g, Article 16 paragraph (1) letter h, Article 16 paragraph (1) letter i, Article 16 paragraph (1) letter j, Article 16 paragraph (1) letter k, Article 17, Article 20, Article 27, Article 32, Article 37, Article 54, Article 58, Article 59, and/or Article 63, may be subject to sanctions in the form of:

- a. verbal warning;
- b. written warning;
- c. temporary suspension;
- d. honorable discharge; and
- e. dishonorable discharge."

RESEARCH METHODS

This research uses a normative juridical method with a statute approach and a case approach. The normative juridical method was chosen because the main problem relates to the criminal liability of Notaries in the crime of document forgery, so that an analysis of the applicable positive legal norms is required, especially the Criminal Code (KUHP), the Notary Public Law (UUJN), and the provisions of the Notary professional ethics. The statutory approach is carried out by examining the criminal provisions in Articles 263, 264, and 266 of the Criminal Code and Articles 55 and 56 of the Criminal Code regarding involvement in

criminal acts, then linked to Articles 84 and 85 of the UUJN regarding administrative sanctions against Notaries.

A case study approach was used to analyze the legal decisions and facts in the document forgery case involving a Notary in the Nirina Zubir case, in order to determine how these legal norms are applied in practice. The type of data used is secondary data consisting of primary legal materials in the form of laws and court decisions, secondary legal materials in the form of books, journals, and legal expert opinions, and tertiary legal materials in the form of legal dictionaries and encyclopedias. The data collection technique was carried out through a literature study by searching for relevant literature from printed and digital sources.

The data were analyzed qualitatively through the stages of data reduction, norm categorization, legal interpretation, and conclusion drawing. The analysis was conducted using grammatical and systematic interpretation methods of articles related to the criminal liability of notaries. Then, legal construction was carried out to assess the form of error (*dolus* or *culpa*) and the applicability of the principle of strict liability in cases of document forgery by notaries. The results of the analysis are presented descriptively and analytically to answer the problem formulation comprehensively.

RESULT AND DISCUSSION

In this journal, the author will examine how criminal liability for notaries involved in document forgery is reviewed from the perspective of criminal law and criminal law provisions for notaries involved in document forgery.

Criminal Liability for Notaries Involved in Document Forgery Reviewed from a Criminal Law Perspective

A Notary in carrying out his profession has obligations as regulated in Chapter III, a Notary is obliged to act honestly, carefully and impartially, honesty is important because if a Notary acts dishonestly there will be many incidents that are detrimental to the client and will even reduce the client's distrust of the Notary. Carefulness in acting is one of the things that in carrying out his position, the Notary is also obliged to maintain client confidentiality, make documents or deeds requested by the client, make a list of deeds he has made, read the deeds before the parties, and accept interns in his office (Koesoemawati, et.al, 2009).

Notaries need to pay attention to what is called professional behavior which has elements, namely that the behavior of a notary must have strong moral integrity, must be honest in acting towards clients and themselves, within the limits of their authority and not acting solely based on financial considerations (Tedjosaputro, 2013). The position held by a Notary is a position of trust and precisely because of that someone is willing to entrust something to him, as a person of trust, the Notary is obliged to keep confidential all that is told to him as a Notary. The obligation to keep confidentiality can be carried out by means of a claim for the right of denial, which is an exception to the provisions in Article 1909 of the Civil Code that every person who is summoned as a witness is obliged to give testimony before the court, in addition to that, the Notary in carrying out his position is required to be able to fulfill and comply with the provisions as regulated in the UUJN and the Law amending the UUJN (Tobing).

Authentic deeds made by or before a Notary are expected to be able to guarantee certainty, order and legal protection, to achieve this goal, supervision is needed on the implementation of the Notary's office, so that the Notary does not commit violations stipulated in the UUJN. According to R. Soegondo, to be able to make an authentic deed, a person must have a position as a public official, in Indonesia, an advocate, even though he is an expert in the field of law, is not authorized to make an authentic deed, therefore does not have a position as a public official, on the other hand, a civil registry employee, even though he is not a legal expert, has the right to make an authentic deed for certain matters, for example to make a birth

certificate, marriage certificate, death certificate. This is because he is determined by law as a public official and is authorized to make these deeds (Soegondo, 2000).

The crime of forgery or abbreviated to forgery is a crime which contains an element of untruth or falsehood or something (object), which appears from the outside as if it were true, but in fact is the opposite of what it is (Chazawi, 2005). Viewed from the perspective of Criminal Law relating to the formal aspects of the making of an authentic deed by a Notary, the investigator, public prosecutor and judge will include the Notary as having carried out the following legal actions (Adjie):

- 1) Making fake or falsified letters and using fake or falsified letters (Article 263 paragraph (1), (2) of the Criminal Code);
- 2) Committing forgery (Article 264 of the Criminal Code);
- 3) Ordering to include false information in an authentic deed (Article 266 of the Criminal Code);
- 4) Doing, ordering to do, participating in doing (Article 55 Jo. Article 263 paragraph (1) and (2) or 264 or 266 of the Criminal Code);
- 5) Helping to make fake or falsified letters and using fake or falsified letters (Article 56 paragraph (1) and (2) Jo. Article 263 paragraph (1) and (2) or 264 or 266 of the Criminal Code).

The crime of forgery of documents is generally forgery of documents in the main form contained in Article 263 of the Criminal Code, as follows:

- 1) Anyone who makes a false letter or falsifies a letter that can give rise to a right, obligation or release from debt or which is intended as evidence of something with the intention of using or ordering another person to use the letter as if its contents were true and not false, is threatened if the use can cause a loss, due to the falsification of the letter, with a maximum prison sentence of 6 (six) years.
- 2) Anyone who intentionally uses a fake or falsified document as if it were genuine, if the use of the document could cause harm, shall be punished with the same penalty.

The elements of the crime of forgery contained in Article 263 of the Criminal Code above are as follows:

- 1) Article 263 paragraph (1)
 - a) Objective Elements
 - (1)The act of making a fake letter or falsifying a letter;
 - (2)The object is a letter
 - (3)It can cause losses from the use of this letter.
 - b) Subjective elements, namely with the intention to use or order other people to use it as if the contents were true and not falsified.
- 2) Article 263 paragraph (2)
 - a) Objective Elements
 - (1)Action, namely wearing
 - (2)The objects are fake letters and forged letters.
 - (3)Use of this letter may cause harm.
 - b) Subjective Element (intentionally)

The difference between making a fake letter and forging a letter is as follows (Hiariej, 2016):

- (1)Making a fake letter means that before the act is carried out, there is no letter, then a letter is made whose contents are partly or wholly untrue or contradict the truth, this letter is called a fake letter.
- (2)Forging a letter is when before this act is carried out, there is already a letter called an original letter, then in this original letter, the contents (including the signature and the original maker) are forged and as a result the letter which was

originally true becomes a letter whose contents are partly or wholly untrue or contradict the truth, such a letter is called a forged letter.

Making this fake letter can be in the form of the following things:

- 1) Creating a letter whose contents, in part or in whole, are not in accordance with or contradict the truth, this act is called intellectual forgery;
- 2) Making a letter that appears to come from someone other than the person who wrote the letter, the falsity of this letter lies in the origin or the person who wrote the letter, this act is called material forgery.

The provisions of Article 263 paragraph (2) of the Criminal Code only provide confirmation, namely that the objective element is the act of using a fake letter or a falsified letter, thus simultaneously completing the elements contained in the provisions of Article 263 (1) of the Criminal Code, the subjective element is that intentionally, in general in criminal law there are three types of intention, namely (Hatrik, 2004):

- (1) Intention as intent is an act that constitutes a crime committed to achieve a goal. According to Jonkers, this intention is the purest and simplest form
- (2) Intention with awareness of certainty, namely a person who carries out an act, is aware that if an act is carried out it will definitely result in consequences that give rise to a criminal act.
- (3) Intentionally committing an act with the awareness that there is a possibility of another act occurring which constitutes a criminal act.

The provisions of Article 264 paragraph (1) and paragraph (2) generally regulate the problem of falsifying authentic deeds or in other words, letters made according to the form and conditions stipulated by law and made by or before a public official, therefore it is said to be falsifying letters which carries a heavier criminal threat. These letters are those which contain greater confidence in the truth of their contents, these letters have a higher degree of truth than ordinary letters or other letters (Sjaifurrachman, 2011). In this description, the author concludes that an authentic deed made by a Notary must be signed by the parties whose names are listed on the minutes of the deed, the signing of the deed is carried out after the Notary has read the contents of the deed and the signing of the deed must be in the presence of a Notary who is authorized to make the deed.

Regarding the responsibilities of a Notary as a public official related to material truth, this can be divided into 4 (four) points, namely (Sjaifurrachman, et.al., 2011):

1. The Notary's civil responsibility for the material truth of the deeds he makes;
2. The notary's criminal responsibility for the material truth of the deeds he makes;
3. The responsibility of a Notary Public based on the Notary Public Regulations regarding the material truth in the deeds he makes;
4. The responsibility of a notary in carrying out his/her duties is based on the notary's code of ethics.

Based on the explanation that has been put forward above, a Notary as a public official can also be subject to criminal charges, based on the Articles on falsification of documents, namely Article 264 paragraph (1) of the Criminal Code, and can even be sentenced to imprisonment as long as the act fulfills the elements of a criminal act as stated in the Article so that it can result in the Notary being dishonorably dismissed by the Minister as regulated in Article 13 of the Notary Position Law which states that:

"A notary was dishonorably dismissed by the Minister because he was sentenced to prison based on a court decision that has permanent legal force for committing a crime that is punishable by imprisonment for 5 (five) years or more."

If the information submitted to the Notary is false or the documents given to the Notary are false, then the deed and the binding agreement made before the Notary does not mean it is false, what is submitted to the Notary contains the truth while the fact of the lie submitted by

the person appearing is not the authority and not the responsibility of the Notary, because the Notary's deed does not guarantee that the parties are saying the truth, but what is guaranteed by the Notary's deed is that the parties are true as stated in their deed of agreement, so that if a problem occurs in the material aspect, an investigation should be carried out first against the persons appearing or the parties who intentionally provided false documents to the Notary, and not the other way around which is the problem (Fuady, 2005).

A Notary can consciously, intentionally, together with the parties concerned (appearing parties), carry out or assist or order the appearers to carry out a legal action which he knows is an unlawful act, if this is done in addition to harming the Notary, the parties, and ultimately the person carrying out the duties of the Notary is greeted as a person who consistently breaks the law (2006).

Simons, the basis of criminal responsibility is the fault that exists in the perpetrator's soul in relation to (that fault) by doing something that can be punished and based on that psyche the perpetrator can be blamed for his behavior, for there to be fault in the perpetrator, several things concerning the perpetrator must be achieved and determined first, namely (Adji, 2012):

- (a) Ability to take responsibility;
- (b) The relationship, psychological state between the perpetrator and the consequences that arise (including behavior that does not conflict with the law in everyday life);
- (c) *Dolus* and *Culpa*, error is a subjective element and a criminal act, this is a consequence of his opinion which connects (unites) *Straafbaarfeit* with error.

Responsibility contains the principle of error (the principle of culpability), which is based on a monodualistic balance that the principle of error based on the value of justice must be aligned with the principle of legality based on the value of certainty. Although the concept is based on the principle that criminal responsibility is based on error, in some cases it does not rule out the possibility of vicarious liability and strict liability. The problem of error, both error regarding the circumstances (error facti) and error regarding punishment, is in accordance with the concept of forgiving reasons so that the perpetrator is not punished unless his error is blameworthy (Nawawi, 2001).

Absolute liability according to the law (Strict liability). Absolute liability is liability without fault, meaning that the perpetrator can be punished if he has committed a criminal act as defined in the law regardless of his mental attitude. This principle is termed liability without fault, so the main element in strict liability is *actus reus*, namely that someone has committed an act, not *mens-rea*, namely whether the perpetrator is at fault or not.

This strict criminal liability is also based solely on the law, namely in the case of a corporation violating or failing to fulfill certain obligations, conditions, or situations stipulated by the law. In this case, the law stipulates criminal offenses for, first, corporations operating their businesses without a permit. Second, corporations holding permits that violate the terms (conditions or situations) stipulated in the permit. Third, corporations operating uninsured vehicles (Muladi).

The aspect of Notary liability arises from negligence (*culpa*) resulting in errors made by the Notary in carrying out a duty and position and the error causes harm to others who request the Notary's services (Clients). Therefore, unlawful acts due to the Notary's negligence can be held accountable from a civil, administrative, and criminal law perspective, although the UUJN does not regulate criminal sanctions.

Forgery of documents is often carried out by Notaries and is often questioned by parties or other parties as parties who participate in or assist in committing a crime, namely making or providing false information in a Notarial deed. According to Habib Adjie, this qualification is related to aspects such as (Adjie, 2009):

1. Certainty of day, date and time;
2. The parties appearing before the Notary;

3. Signatures of the parties;
4. The copy of the deed does not match the minutes of the deed;
5. A copy of the deed exists without a deed minute being made; And
6. The minutes of the deed are not signed in full, but a copy of the deed is issued.

In the scope of Notaries, there is an adage that "everyone who comes to the Notary has said the truth, so that what is said is directly proportional to what is said correctly" if what is said correctly is not directly proportional to what is said correctly which means a lie or giving false information, then it becomes the responsibility of the person concerned, if such a thing happens, then often the Notary is reported to the authorities in this case the police. In the examination of the Notary, he is bombarded with various questions, the essence of which is that the Notary is led as the party who made false information, the imposition of criminal sanctions on the Notary can be carried out as long as the limitations as mentioned above are violated, meaning that in addition to fulfilling the formulation of violations mentioned in the Notary Law (UUJN) and the Notary Professional Code of Ethics which must also fulfill the formulation in the Criminal Code (KUHP) (Adjie, 2009).

A notary can be said to have committed an act of participation and committed an unlawful act in the context of criminal law while also violating the code of ethics and UUJN, so that the requirements for criminal punishment become stronger. If this is not accompanied by a violation of the code of ethics or is even justified by UUJN, then perhaps this can eliminate the unlawful nature of an act with a justification. In Article 263 paragraph (1) Jo Article 55 paragraph (1) Ke-1 of the Criminal Code there are elements that must be fulfilled, including:

1. Participate in;
2. Making fake letters;
3. Can issue a right;
4. With the intention of using the letter as if it were genuine and forged;
5. Which can cause losses.

Participating in the act can also be interpreted in the sense of the word "jointly committing", there must be at least 2 (two) people consisting of the person who committed and the person who participated in committing a criminal act. In this case, it is a Notary. The element of making a false document, that before the act was committed, there was no document, and the document that was made, all or part of its contents contradict the truth; and as in the previous explanation, falsifying a signature is included in the definition of falsifying a document. The last element is causing loss. The loss referred to in this element is not only material loss, but also material loss in the form of loss in the social field or loss of morality, honor and so on, while the loss does not need to actually exist but it is sufficient if there is only the possibility of loss.

Meanwhile, the perpetrator who orders the notary to make a fake deed can be subject to criminal sanctions under Article 266 of the Criminal Code, such as in the case of Nirina Zubir, a client ordered the notary to include false information in an authentic deed;

Article 266 of the Criminal Code

1. Items concerning something whose truth must be stated by the deed, with the intention of using or ordering another person to use the deed as if the information is in accordance with the truth, are punishable. If the use can cause harm, with a maximum imprisonment of 7 years. The deed becomes null and void by law if the contents of the deed do not meet the objective requirements, namely the requirements related to the agreement itself or related to the object that is made a legal act by the parties, which consists of a certain thing and a reason that is not prohibited, namely who ordered the inclusion of information into an authentic deed.
2. Anyone who intentionally uses the deed as if its contents were true, if such use can cause harm, shall be punished with the same penalty.

There are 2 crimes in Article 266 of the Criminal Code, each formulated in paragraphs (1) and (2), paragraph (1) has the following elements (Chazawi, 2005):

1. Objective Elements;
 - a. Action; told to enter
 - b. The object; false information
 - c. Into the Authentic Deed;
 - d. Regarding something whose truth must be stated in the deed;
 - e. If its use can cause harm.
2. Subjective Element: with the intention to use or order to be used as if the information is in accordance with the truth. Paragraph (2) has the following elements:
 - 1) Objective Elements;
 - a. The act of wearing
 - b. The object: the Authentic Deed in paragraph (1);
 - c. As if the content is true.
 - 2) Subjective elements intentionally.

Article 55 and Article 56 points (1) and (2) of the Criminal Code which formulate the involvement in a criminal act can be imposed on a Notary if he/she commits a crime. Participation in a crime occurs if several or more people are involved in one criminal act, the relationship being (Chazawi, 2005):

1. Several people together commit one crime;
2. Maybe only one person has the "will" and "plans" to commit a crime, but the crime is not committed alone, but he uses other people to commit the crime;
3. It can also happen that a person alone commits a crime, but he uses another person to commit the crime.

Criminal liability for Notaries involved in document forgery viewed from a criminal law perspective is that Notaries who make mistakes can be categorized and included in Article 263 paragraph (1), paragraph (2) of the Criminal Code, Article 264 of the Criminal Code, Article 266 of the Criminal Code, Article 55 of the Criminal Code, and Article 56 of the Criminal Code). Then the elements of error can be seen from the Notary's intention in helping to falsify documents. The criminal threat for Notaries who have been involved and helped to falsify documents can be seen in Article 55 of the Criminal Code regarding involvement in criminal acts can be imposed on Notaries if they commit a crime, and criminal liability for Notaries involved in document forgery uses absolute liability (Strict liability) which is liability without fault, meaning that the maker can be punished if he has committed a criminal act as formulated in the Law without looking at his mental attitude.

Criminal Law Provisions for Notaries Involved in Document Forgery

The criminal law provisions regarding the above case concern the involvement of a Notary/PPAT in document falsification. According to Habib Adjie, in criminal cases, Notaries are often charged under the following articles of the Criminal Code (Adjie, 2005):

1. Making fake/falsified letters and using fake/falsified letters (Article 263 paragraph (1) and (2) of the Criminal Code);
2. Forging an authentic deed (Article 264 of the Criminal Code);
3. Ordering to include false information in an authentic deed (Article 266 of the Criminal Code);
4. Doing, ordering to do, participating in doing (Article 55 Jo. Article 263 paragraph (1) and (2) of the Criminal Code or Article 264 or Article 266 of the Criminal Code);
5. Helping to make fake/forged letters and using fake/forged letters (Article 55 paragraph (1) and (2) Jo. Article 263 paragraph (1) and (2) of the Criminal Code or Article 264 or Article 266 of the Criminal Code.

If a Notary/PPAT commits the crime of document forgery, the Notary can be charged under Article 55 in conjunction with Article 263 paragraph (1) and (2) of the Criminal Code or Article 264 or Article 266 of the Criminal Code, and Article 56 paragraph (1) and (2) in conjunction with Article 263 paragraph (1) and (2) of the Criminal Code or Article 264 or Article 266 of the Criminal Code. Article 55 and Article 56 number (1) and number (2) which formulate regarding involvement in a criminal act can be imposed on a Notary if he/she commits a crime. Participation in a crime occurs if several people or more than one person are involved in one criminal act. This relationship (Endro, 2007).

1. Several people together commit one crime;
2. Maybe only one person has the "will" and "plans" to commit a crime, but the crime is not committed alone, but he uses other people to commit the crime;
3. It can also happen that a person alone commits a crime but he uses another person to carry out the crime.

In the case of Nirina Zubir, the Notary committed the crime of document falsification. Article 263 paragraph (1) of the Criminal Code, namely making fake letters and falsifying letters, paragraph (2) namely "using" fake and falsified letters. Article 264 paragraph (1) of the Criminal Code, namely document falsification with a prison sentence of 8 (eight) years. Article 266 of the Criminal Code, namely ordering the inclusion of false information. Article 55 of the Criminal Code, namely participating in (participation). Article 56 of the Criminal Code, namely participating in. Article 84 UUJN, namely violations (civil sanctions). Article 85 UUJN, namely violations (Administrative sanctions), namely verbal warnings, written warnings, temporary dismissal, honorable dismissal, and dishonorable dismissal from the Regional Supervisory Board. Article 1320 of the Civil Code and Article 1868 of the Civil Code regarding the validity of an agreement. Article 3 UUJN, namely regarding the Code of Professional Ethics. Notaries are included in the category of Medeplegen, namely participating in committing a crime, every person who intentionally acts (meedoet) in committing a crime, namely there must be an awareness of cooperation from each participant, in participating the participants are aware that they will commit a crime, they are aware that they will commit a crime together, and cooperation in the crime must be physical, all participants in participating must physically commit the crime together, but all participants need to fulfill exactly what is contained as the elements of the crime.

Meanwhile, the perpetrator (Riri Kharisma) who ordered the Notary to make a fake deed can be subject to criminal sanctions under Article 266 of the Criminal Code, such as the case above where a client ordered the Notary to enter false information into an authentic deed. Article 266 paragraph (1) of the Criminal Code states "Anything concerning something whose truth must be stated by the deed, with the intention of using or ordering another person to use the deed as if the information is in accordance with the truth, is punishable if the use can cause harm, with a maximum prison sentence of 7 (seven) years.

CONCLUSIONS

The main conclusions of the study may be presented in a short Conclusions section, which may stand alone or form a subsection of a Discussion or Results and Discussion section. Suggestion placed after the conclusion contains a recommendation on the research done or an input that can be used directly.

Criminal liability for Notaries involved in document forgery is that Notaries can be held criminally responsible for a Notary if proven to have committed the crime of document forgery, then the Notary is personally responsible for what is his duty and authority, related to criminal liability, a Notary can be subject to criminal liability as contained in Article 263, Jo. Article 55 and Article 56 numbers (1) and (2) of the Criminal Code, due to his negligence or deliberate action for the forgery of documents carried out by the Notary, with a maximum criminal penalty

of 5 (five) years. The legal consequences for a Notary who commits document falsification are that the party appearing/victim suffers losses due to the creation of a deed containing false information by the Notary, the false deed that has been created can be canceled, the cancellation of the deed is the authority of a civil judge, namely by filing a civil lawsuit with the court and according to the Notary Position Law (UUJN) can be subject to Administrative sanctions or violations of the Notary Professional Code of Ethics in the form of verbal warnings, written warnings up to dishonorable dismissal from the Supervisory Board and civil sanctions Article 1365 of the Civil Code regarding compensation.

The provisions of criminal law for Notaries involved in document forgery are that a Notary is a Public Official authorized to make an Authentic Deed, the making of the deed must be based on the form and procedures stipulated in the Notary Law, the making of an authentic deed by or before a Notary is categorized as a criminal act of forgery if it fulfills the elements of the formulation of the criminal act of forgery in the Criminal Code (KUHP), namely Article 263 paragraph (1) of the Criminal Code, Article 264 paragraph (1) of the Criminal Code, and Article 266 paragraph (1) in conjunction with Article 55 and Article 56 of the Criminal Code. Notaries who commit the crime of forgery in making a deed can be held criminally responsible if they fulfill the elements of error, namely being able to take responsibility, there is a mental relationship in the form of intent and there is no reason to eliminate the error.

The government should provide special training to Notaries periodically so that they do not make fatal mistakes which have a negative impact that can be detrimental to certain parties or themselves in making authentic deeds and take firm action against Notaries who are suspected of violating the Notary's professional code of ethics which can be qualified as a suspect in a criminal act. The making of a Deed by or before a Notary must be in accordance with the form and procedures in the Notary Law in order to create legal certainty for the public who use Notary services and so that Notaries avoid criminal sanctions. It is hoped that the government will immediately make a regulation related to the making of a sale and purchase agreement or sale and purchase deed so that in the future there will be legal certainty for Notaries/PPAT and parties who wish to make AJB (sale and purchase deed).

REFERENCES

- Adami Chazawi. (2005). *Crimes concerning counterfeiting*. Jakarta: Raja Grafindo Persada.
- Barda Arief Nawawi. (2001). *Law enforcement issues and mitigation policies crime*. Bandung: Citra Aditiya Bakti.
- Didik Endro P. (2007). *Criminal law*. Surabaya: Airlangga University Press.
- Eddy O. S. Hiariej. (2016). *Principles of criminal law* (Revised ed.). Yogyakarta: Cahaya Atma.
- G. H. S. Lumban Tobing. (1992). *Regulations on the position of notary*. Jakarta: Erlangga.
- Habib Adjie. (2009). *Indonesian notary law*. Bandung: PT Refika Aditama.
- Hamzah Hatrik. (2004). *Principles of corporate responsibility in Indonesian criminal law*. Jakarta: Raja Grafindo Persada.
- Ira Koesoemawati, & Yunirman Rijan. (2009). *Going to a notary, achieving hopes of success*. Jakarta: [Publisher not identified].
- Liliana Tedjosaputro. (2013). *Professional ethics and the legal profession*. Semarang: Aneka Ilmu.
- Mudofir Hadi. (2006). *Cancellation of the contents of a notarial deed by judge's decision*. [Place not identified]: [Publisher not identified].
- Mulyoto. (n.d.). *Notary error in making deed of change of CV basis*. Jakarta: Cakrawala Media.
- Munir Fuady. (2005). *Unlawful acts*. Bandung: PT Citra Aditiya Bhakti.
- Oemar Seno Adji. (2012). *Professional ethics and criminal liability law*. Jakarta: Erlangga.
- Pieter Latumaten. (2009). *Voidability and degradation of the strength of notarial deed evidence and model akta*. Surabaya: [Publisher not identified].

R. Soegondo. (2000). *Notarial law in Indonesia*. Jakarta: CV Rajawali.

Sjaifurrachman, & Habib Adjie. (2011). *Aspects of notary responsibility in making deeds*. Bandung: Mandar Maju.

Sindonews. (2021, December 4). *The land mafia case cost Nirina Zubir's family Rp. 17 billion in losses*. Retrieved December 4, 2021, from <http://metro.sindonews.com>