



THE AUTHORITY OF THE REGIONAL SUPERVISORY COUNCIL FOR NOTARIES IN ENFORCING THE NOTARIAL CODE OF ETHICS

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ABSTRACT

This study aims to analyze and formulate the ideal model of authority of the Regional Supervisory Council of Notaries in enforcing the Notary Code of Ethics to ensure that the supervision of the notarial profession operates effectively, independently, expeditiously, and accountably. This legal research adopts a statute approach, a conceptual approach, and a comparative approach. The findings reveal that the authority of the Regional Supervisory Council of Notaries is administrative in nature and limited to overseeing the exercise of public office, whereas the enforcement of the Code of Ethics falls under the jurisdiction of the Notary Honorary Council as a professional organizational body. The ambiguity in delineating these authorities has led to overlaps and inefficiencies in the process of enforcing professional discipline. Consequently, this study proposes an integrated supervisory authority model that affirms the synergy between the Regional Supervisory Council and the Notary Honorary Council through a coordinated mechanism without overlapping functions or powers. The novelty of this research lies in the formulation of an integrated supervision concept grounded in the general principles of good governance, combining elements of positive law, professional ethics, and public accountability as the normative foundation for upholding notarial ethics within the framework of a democratic and religious rule of law state.

Keywords: Regional_Supervisory_Council_of_Notaries. Code_of_Ethics. Authority.

1. Introduction

The notary profession in Indonesia holds a fundamental role within the national legal system, as notaries are public officials vested with the authority to draw up authentic deeds. These deeds hold full evidentiary force in civil law and function as formal validation instruments for legal acts carried out by private legal subjects. In this regard, notaries serve as significant pillars in maintaining legal certainty, order, and legal protection in civil legal relations involving citizens and corporate entities. The importance of this role becomes increasingly pronounced in contemporary socio-economic contexts

¹ Submission: 17 November 2025 | Review-1: 1 January 2026 | Publish: 20 January 2026

characterized by accelerated growth, commercial diversification, and the digital transformation of contractual and financial transactions. The notary, therefore, acts not only as a document drafter but as a guarantor of the authenticity and integrity of legal acts in society.²

However, rapid advancements in economic structures, patterns of digital interaction, and professional competition among notaries have given rise to new forms of ethical challenges. Ethical violations such as the execution of deeds without the physical presence of signatories, notarization conducted outside the territorial jurisdiction, preparation of deeds based on unverified data, or promotional activities that undermine the dignity of the profession have increasingly been reported to supervisory authorities.³ Data from various regions indicate a steady rise in reported ethical violations, illustrating an alarming decline in professional integrity. This situation is further exacerbated by the internal dynamics of the profession, which occasionally prioritizes market competition over adherence to professional ethics. Such developments, if not addressed with robust institutional oversight, have the potential to erode public trust in notaries as custodians of authentic deeds and legal stability.⁴

Accordingly, the enforcement of notarial professional ethics becomes a central pillar in maintaining the integrity of the profession, the validity of authentic deeds, and public trust in the legal system. Within this framework, the Regional Supervisory Council (Majelis Pengawas Daerah/MPD) plays a strategically crucial role as the primary oversight body responsible for examining initial allegations of ethical misconduct by notaries. Yet, the actual

²Pratama, M. Y., and Ana Silviana. Peranan Majelis Pengawas Notaris Terhadap Pelaksanaan Kode Etik Notaris. *Notarius* 16, no. 2 (2023): 861-869. <https://doi.org/10.14710/nts.v16i2.42125>, <https://ejournal.undip.ac.id/index.php/notarius/article/view/42125/pdf>. Accessed November 13, 2025.

³Asmara Putra, Dewa Nyoman Rai, and Purwani, Sagung Putri M.E. Pengawasan Notaris oleh Majelis Pengawas Notaris Daerah Pasca Putusan M.K. No. 49/PUU-X/2012. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 5, no. 4 (2017): 783-804, <https://doi.org/10.24843/JMHU.2016.v05.i04.p11>, <https://ojs.unud.ac.id/index.php/jmhu/article/view/33077/19988>. Accessed November 13, 2025.

⁴Yudhoyono, Gatot E., and Yunanto Yunanto. Peran Kode Etik Profesi Notaris dalam Menjaga Martabat Jabatannya sebagai Pejabat Umum. *Notarius* 18, no. 3 (2025): 664-680. <https://doi.org/10.14710/nts.v18i3.69433>, <https://ejournal.undip.ac.id/index.php/notarius/article/view/69433/pdf>. Accessed November 13, 2025.

effectiveness of MPD authority presents persistent legal and institutional challenges that warrant comprehensive and critical academic inquiry.

The primary concern addressed in this research concerns the effectiveness of the Regional Supervisory Council (MPD) in enforcing the Notary Code of Ethics. The MPD serves as the initial supervisory and investigative authority tasked with examining reports of ethical violations. Nevertheless, its performance in practice demonstrates several structural and procedural weaknesses.

First, there is a lack of clear conceptual boundaries between ethical violations and administrative violations of notarial procedural duties. As a result, many ethically significant acts are merely classified as administrative infractions, leading to weak sanctions and minimal deterrence.⁵ Second, the composition of MPD, which includes practicing notaries, creates a structural potential for conflicts of interest, particularly in regions where the notarial community is small and socially interconnected.⁶ Third, the multi-layered supervisory mechanism (The Regional Supervisory Council (Majelis Pengawas Daerah/MPD), The Regional Supervisory Council (Majelis Pengawas Wilayah/MPW), and The Central Supervisory Council (Majelis Pengawas Pusat/MPP) results in slow, bureaucratic, and inconsistent enforcement outcomes, often diminishing the legal impact of sanctions imposed at the initial level.⁷ These systemic limitations indicate that the supervisory function has not achieved its intended function as a guardian of ethical discipline and professional accountability.

⁵Pratiwi Ayuningtyas. Sanksi Terhadap Notaris dalam Melanggar Kode Etik. Repertorium: Jurnal Ilmiah Hukum Kenotariatan 9, no. 2 (2020): 95-104. <https://doi.org/10.28946/rpt.v9i2.637>, <https://journal.fh.unsri.ac.id/index.php/repertorium/article/view/637>. Accessed November 13, 2025.

⁶Muhammad Haris, Pengawasan Majelis Pengawas Daerah terhadap Notaris setelah Berlakunya Undang-Undang No. 2 Tahun 2014, Syariah: Jurnal Hukum dan Pemikiran 14, no. 1 (2014): 1-10. <https://doi.org/10.18592/syariah.v14i1.70>, <https://jurnal.uin-antasari.ac.id/index.php/syariah/article/view/70/82>. Accessed November 13, 2025.

⁷Irkham Mu'amar dan Daimah, Peran Majelis Pengawas Daerah (MPD) dalam Penegakan Kode Etik Notaris pada Perkara Nomor 33/P.DT.G/2016/PN.Cbn, JIIP (Jurnal Ilmiah Ilmu Pendidikan) 7, no. 2 (2024): 2134-2140. <https://doi.org/10.46244/jiip.v8i3.3939>, <https://jiip.stkipyapisdompu.ac.id/jiip/index.php/JIIP/article/view/3939/3193>. Accessed November 13, 2025.

Several prior studies have examined the notarial supervisory system from normative, institutional, and comparative perspectives. Normative studies highlight that although the Notary Law recognizes the supervisory hierarchy (MPD, MPW, and MPP), it does not define specific operational standards for ethical evaluation.⁸ Empirical studies indicate that MPD sessions often adopt administrative rather than substantive evaluations regarding moral accountability.⁹ Comparative legal analyses reveal that countries such as the Netherlands have independent supervisory authorities equipped with permanent professional secretariats, resulting in more consistent and transparent ethical enforcement.¹⁰

Although previous research contributes valuable theoretical and descriptive insights, it lacks integrated analyses combining normative-doctrinal examination with empirical performance evaluation of MPD at the national scale. This study addresses that gap by developing a structured model for evaluating the effectiveness of MPD authority based on both legal doctrine and supervisory practice conditions.

This research proposes the institutional strengthening of MPD through: (a). Clarification of the legal boundaries of supervisory authority; (b). Establishment of an independent professional supervisory secretariat; (c). Digitalization of ethical examination procedures; (d). Standardization of sanction frameworks based on severity indices. The expected contribution is the formation of a practical, enforceable, and evidence-based supervision model to restore the integrity and accountability of the notarial profession.

⁸Pratama, M. Y., and Ana Silviana. Peranan Majelis Pengawas Notaris Terhadap Pelaksanaan Kode Etik Notaris. Hlm. 868

⁹Retno Wahyu Ningsih, Murtir Jeddawi and Ella L. Wargadinata, Kinerja Majelis Pengawas Daerah Notaris Dalam Pengelolaan Protokol Notaris di Kota Jakarta Barat, *Jurnal Kajian Pemerintah : Journal of Government, Social and Politics* 11, no. 1 (2025): 56-65, [https://doi.org/10.25299/jkp.2025.vol11\(1\).20961](https://doi.org/10.25299/jkp.2025.vol11(1).20961), <https://journal.uir.ac.id/index.php/JKP/article/view/20961/7567>. Accessed November 13, 2025.

¹⁰Fahmi Ihsan Margolang, and Dewi Mayaningsih. Sistem Pengawasan Profesi Notaris Di Indonesia Dan Belanda: Studi Komparatif Atas Mekanisme Akuntabilitas Dan Etika Jabatan. Desentralisasi : *Jurnal Hukum, Kebijakan Publik, Dan Pemerintahan* 2, no. 3 (2025): 109-120. <https://doi.org/10.62383/desentralisasi.v2i3.838>, <https://ejournal.appihi.or.id/index.php/Desentralisasi/article/view/838/888>. Accessed November 13, 2025.

How should the authority of the Regional Supervisory Council be restructured to ensure effective, independent, and accountable enforcement of the Notary Code of Ethics?

2. Research Method

This legal research applies a series of methodological approaches formulated by Peter Mahmud Marzuki¹¹, who characterizes law as a prescriptive system of norms that directs what should be carried out within a legal structure. This methodological foundation enables the researcher to evaluate the coherence, consistency, and adequacy of legal norms that regulate the authority of the Regional Supervisory Council in enforcing the Notary Code of Ethics. Within this framework, the researcher employs three interconnected approaches, namely the statute approach, the conceptual approach, and the comparative approach. The statute approach¹² is used to examine the entire body of legislation governing notarial supervision, including the Notary Office Law, the Regulation of the Minister of Law and Human Rights concerning procedures for the examination of notaries by supervisory councils, and the Code of Ethics of the Indonesian Notary Association.

This approach enables the researcher to identify discrepancies between existing law and the ideal design of law by applying systematic interpretation. The researcher's analysis shows that the authority of the Regional Supervisory Council has been normatively established but remains functionally limited because its duties emphasize administrative verification instead of substantive evaluation of ethical conduct. In accordance with Marzuki's doctrinal reasoning, this stage reconstructs legal norms through grammatical, systematic, and teleological interpretation in order to uncover the text, purpose, and philosophical foundation of the relevant legislation.

¹¹Marzuki, Peter Mahmud. *Penelitian Hukum*. (Jakarta: Kencana Prenada Media Group, 2017). Hlm. 69-70.

¹²Marzuki, Peter Mahmud. *Penelitian Hukum*. Hlm. 136-158

The conceptual approach¹³ further deepens normative assessment by examining the abstract legal concepts that shape the understanding of institutional authority, ethical accountability, and professional integrity. Following Marzuki's view that legal research must clarify underlying concepts and principles because law consists of ideas that gain meaning through interpretation, this study reassesses ethical supervision as a form of public accountability embedded in state authority delegated to a notary. Since a notary performs a state mandate to authenticate legal acts, the supervisory role of the Regional Supervisory Council must encompass ethical and moral judgment rather than merely administrative review.

Drawing upon theories of ethical jurisprudence and institutional independence, the researcher conceptualizes the Regional Supervisory Council as a quasi-judicial organ that should operate on the principles of impartiality, proportionality, and transparency. These conceptual premises provide a normative basis for assessing whether the current structure of the Regional Supervisory Council meets the three fundamental values of law, namely justice, legal certainty, and utility, which are essential indicators for determining the normative adequacy of legal institutions. The conceptual approach therefore establishes the philosophical framework necessary for restructuring the authority of the Regional Supervisory Council to ensure that ethical enforcement can function in a substantive and morally grounded manner.

To reinforce doctrinal reasoning, the researcher also adopts a comparative approach¹⁴ that draws insights from civil law jurisdictions without directly transplanting foreign legal models. This approach examines how the Netherlands and France structure their supervision of notarial ethics. The Netherlands implements a dual system in which the Ministry of Justice exercises administrative oversight while an independent disciplinary board adjudicates ethical matters. France operates a self-regulated hierarchical

¹³Marzuki, Peter Mahmud. Penelitian Hukum. Hlm. 177-180

¹⁴Marzuki, Peter Mahmud. Penelitian Hukum. Hlm. 172-177

system through the Chambre des Notaires that adjudicates ethical violations autonomously. These comparative findings illustrate effective models that integrate administrative supervision with ethical independence, a balance that remains insufficiently developed in Indonesia. Through this comparison, the researcher identifies best practices in transparency, consistency of sanctions, and institutional independence that may guide the reconstruction of the authority of the Regional Supervisory Council in the context of ideal future regulation.

Aligned with Marzuki's classification, this legal research relies on three hierarchical categories of legal materials, namely primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include all binding norms that regulate notarial authority.¹⁵ Secondary legal materials consist of academic writings, scientific articles, monographs, and expert commentaries.¹⁶ Tertiary legal materials include legal dictionaries, encyclopedias, and methodological handbooks that clarify technical terminology and conceptual distinctions. The researcher analyzes these materials through a qualitative-prescriptive method that interprets, systematizes, and evaluates legal norms to formulate prescriptive conclusions. By applying grammatical, systematic, and teleological interpretation, this study constructs a model of authority for the Regional Supervisory Council that combines normative validity, institutional practicality, and procedural accountability. This methodological approach affirms Marzuki's view that legal research must not only describe existing law but also articulate what the law should become to realize justice and principles of good governance.

¹⁵Marzuki, Peter Mahmud. Penelitian Hukum. Hlm. 184-195

¹⁶Marzuki, Peter Mahmud. Penelitian Hukum. Hlm. 195-204

3. Results and Discussion

3.1. The Notary as a Public Official and Guardian of Legal Certainty

In the Indonesian legal system, the notary occupies a unique and strategic position as a public official (*Openbaar Ambtenaar*)¹⁷ vested with authority by the State to draw up authentic deeds, as expressly stipulated in Article 1 paragraph (1) of Law Number 30 of 2004 concerning the Office of Notary, as amended by Law Number 2 of 2014 (hereinafter: the Notary Office Law). Furthermore, Article 15 paragraph (1) affirms that a notary is authorized to draw up authentic deeds for all acts, agreements, and determinations required by legislation and/or requested by the parties to be formally recorded in an authentic deed. The notary ensures the certainty of the deed's execution date, safeguards the deed, and issues grosses, copies, and excerpts, insofar as the preparation of such deeds is not assigned or reserved by statute to another official or person.

This authority demonstrates that the notary does not merely serve as a technical administrative professional, but rather functions as an instrument of the State in guaranteeing legal certainty in the realm of private law. Within the paradigm of the Pancasila rule of law, legal certainty constitutes a fundamental purpose of public office, ensuring that legal relations are structured, predictable, and orderly. A notarial deed possesses evidentiary strength in its external, formal, and material aspects. A deed signed by a party who subsequently loses legal capacity remains valid and enforceable unless and until a claim is filed and a judicial decision rules otherwise.¹⁸

¹⁷Adjie, Habib. Sanksi Perdata dan Administratif Terhadap Notaris Sebagai Pejabat Publik. (Bandung: Refika Aditama, 2013). Hlm. 31, In this context, the term *Openbaar Ambtenaar* does not denote a general officer but specifically a public official. An *ambt* is, by definition, a public office. As a public official, a notary exercises delegated authority within legally defined exceptions, and the notary's final product the authentic deed is legally binding under civil law, particularly in the law of evidence.

¹⁸Maharani, Adella Tiara. Kekuatan Pembuktian Akta Notaris Terkait Ketidakcakapan Penghadap Setelah Penandatanganan Akta. *Officium Notarium* 1, no. 1 (2021): 1-10.

The significance of this function lies in the preventive protection provided by notarial deeds, which reduce the potential for disputes by ensuring that each legal intention is recorded accurately and lawfully. The notary functions as a mechanism of preventive legal certainty that upholds procedural justice and supports social stability.¹⁹ Thus, the professional role of the notary must be understood not only juridically, but also as a public socio-legal responsibility.

3.2. Legal Certainty Originates Not Only from Written Norms, but from the Moral Integrity of Legal Officials

Although statutory norms regulate the scope and procedure of the notary's authority, legal certainty cannot be derived from normative structures alone. It is equally dependent upon the moral integrity and ethical awareness of the legal official carrying out such authority. In Gustav Radbruch's trilateral conception, law must fulfill public benefit, legal certainty, and justice.²⁰ Law should be oriented toward generating benefits for society; however, this principle cannot be used to justify arbitrary actions, contractual violations, or illegal conduct in the name of public interest. Accordingly, not everything deemed beneficial can automatically be recognized as law. Instead, the law must serve as the legitimate, measured, and equitable instrument through which such benefits are realized and directed.

Law inherently embodies a fundamental ideal of justice. When a legal provision deliberately betrays justice, for example, by violating human rights, it thereby loses its normative legitimacy. In such

<https://doi.org/10.20885/JON.vol1.iss1.art1>, <https://journal.uis.ac.id/JON/article/view/18891/11647>. Accessed November 13, 2025.

¹⁹Puspitasari, Maridza, and Siti M. Bardiyah. Pertanggungjawaban Notaris dalam Akta Perjanjian Agar Mempunyai Kepastian Hukum. Notarius 17, no. 3 (2024): 2143-2158. <https://doi.org/10.14710/nts.v17i3.57707>, <https://ejournal.undip.ac.id/index.php/notarius/article/view/57707/pdf>. Accessed November 13, 2025.

²⁰Gustav Radbruch, Five Minutes of Legal Philosophy (1945), Oxford Journal of Legal Studies, Volume 26, Issue 1, Spring 2006, Pages 13-15, <https://doi.org/10.1093/ojs/gqi042>. Accessed November 13, 2025.

circumstances, legal scholars have an obligation to challenge and reject the provision, and society should be encouraged not to comply with laws that are unjust. Accordingly, the realization of justice must be grounded in: (a) the principle of equality, (b) respect for human rights, and (c) proportionality in accordance with appropriate measures.

When justice comes into conflict with legal certainty, a legal provision may remain formally valid and continue to be applied, even though it becomes a deficient law due to its failure to fulfill its fundamental purpose. However, once such a conflict reaches an intolerable threshold, such that the law is not merely deficient but substantively flawed, justice must be prioritized. In such circumstances, the defective law should be set aside.

Natural law theory provides a normative framework for evaluating and affirming the validity of legal norms.²¹ Obedience is justified only toward authorities that respect human rights and acknowledge the relevance of divine moral principles within the legal order. Accordingly, the integrity of each individual's conscience must be preserved as a moral foundation for the realization of a just legal system. Thus, notaries are expected to act not merely in technical compliance with law (rule compliance), but with ethical consciousness and goodwill.

This is consistent with Article 16 paragraph (1) of the Notary Office Law, which obliges notaries to act honestly, carefully, independently, impartially, and in protection of the interests of the parties. The Notary Professional Code of Ethics, established by the Indonesian Notary Association (Ikatan Notaris Indonesia/INI), reinforces this mandate by positioning ethical behavior as the foundation of professional dignity. A notary, in carrying out his or her professional responsibilities, is obligated to act with honesty, diligence, independence,

²¹Shidarta. Hukum Penalaran dan Penalaran Hukum Buku 1 Akar Filosofis. (Yogyakarta: Genta Publishing, 2013). Hlm. 188. The existence of positive law remains formally acknowledged; however, its validity may be fundamentally jeopardized if it fails to satisfy the moral requirements imposed by natural law.

impartiality, and to safeguard the interests of all parties involved in a legal act.²² Accordingly, moral virtue functions as a source of legitimacy for the evidentiary authority of authentic deeds. Without moral integrity, legal authority loses public credibility.

The provision stating that “in carrying out their office, a Notary is obliged to act with trustworthiness, honesty, thoroughness, independence, impartiality, and to safeguard the interests of the parties involved in a legal act” essentially represents a normative assertion that defines the moral identity and professional integrity of a public official. A Notary is not merely an administrative functionary, but a custodian of trust who is granted authority by the state to create legal certainty and public order in civil legal relations. Therefore, the professional ethics of a Notary are rooted in the value of amanah (trustworthiness), which in the Islamic legal perspective is associated with sincerity of intention, moral integrity, and accountability before both God and society. The Qur'an establishes amanah as a foundational principle in social and legal interactions, as stated in the verse:

﴿إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤْدُوا الْأَمْوَالَ إِلَيْهِمْ وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُّكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا﴾

“Indeed, Allah commands you to return trusts to their rightful owners, and when you judge between people, judge with fairness. What a noble commandment from Allah to you! Surely Allah is All-Hearing, All-Seeing.”²³

This verse indicates that amanah is not merely a moral recommendation, but a divine imperative that forms the ethical standard for all holders of public authority, including Notaries. Accordingly, the principle of amanah functions as a moral safeguard ensuring that the

²²Widodo Dwi Putro, *Etika Profesi Hukum*. (Jakarta: Kencana Prenadamedia Group, 2023). Hlm. 137.

²³Qur'an, Surah An-Nisa (4) : 58.

power vested in a Notary is not misused for manipulation, abuse of authority, or other forms of unethical conduct.

Furthermore, the obligation of honesty is a fundamental element in the construction of legal relations. Honesty is not limited to the prohibition of false statements; it also comprises accuracy of information, transparency of intent, truthfulness of documentation, and a genuine effort to ensure that legal instruments truly reflect the will of the parties. The Qur'an emphasizes the moral significance of truthfulness as part of piety, as reflected in the verse: O believers! Be mindful of Allah, and say what is right.

يٰٰيٰهَا الَّذِينَ اٰمَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا

“O believers! Be mindful of Allah, and say what is right”.²⁴

Honesty prevents distortion of the essential purpose of legal documentation, which is to produce legal clarity and fairness for all concerned parties. A Notary who fails to uphold honesty not only undermines the dignity of their office, but also jeopardizes social order because the legal instruments they produce may become sources of dispute, fraud, or harm. Thus, honesty is an indispensable legal and ethical foundation in notarial practice.

In addition to trustworthiness and honesty, the obligation of thoroughness underscores the necessity for accuracy, professional diligence, and technical competence in the execution of notarial duties. Thoroughness requires the Notary to verify the identity of parties, examine the validity of documents, understand the regulatory context, and ensure that the legal instrument complies with statutory provisions and prevailing standards of social propriety. In Islamic ethical thought, thoroughness can be understood as an expression of ihsan, meaning the pursuit of excellence in one's actions as a reflection of spiritual

²⁴Qur'an, Surah Al-Ahzab (33) : 70.

accountability. The Qur'an states: "And do good (ihsan), for indeed Allah loves those who do good." (Qur'an, Surah Al-Baqarah 2:195). Spend in the cause of Allah and do not let your own hands throw you into destruction 'by withholding'. And do good, for Allah certainly loves the good-doers.

وَأَنْفَقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأيْدِيهِمْ إِلَى التَّهْلِكَةِ ۝ وَأَحْسِنُوا ۝ إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ

"Spend in the cause of Allah and do not let your own hands throw you into destruction 'by withholding'. And do good, for Allah certainly loves the good-doers".²⁵

Negligence in notarial duties whether intentional or accidental can result in legal harm and the erosion of justice. Thus, thoroughness constitutes a core pillar of professional conduct, ensuring that the exercise of authority produces legal certainty and prevents avoidable disputes.

The qualities of independence and impartiality further emphasize that a Notary must maintain objectivity and refrain from siding with any party to a legal act. The Notary must remain neutral because their role is to formalize the articulated intentions of the parties rather than influence or shape the substance of their agreement. Independence implies freedom from external pressure, private interest, or coercive influence, while impartiality demands that the Notary refrain from prioritizing personal, familial, or financial interests over legal fairness. The Qur'an strongly affirms the imperative of justice grounded in moral neutrality, as reflected in the verse:

﴿ يٰٓأَيُّهَا الَّذِينَ اٰمَنُوا كُوٰنُوا قَوَامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلِمْتُمْ أَنْفُسَكُمْ أَوِ الْوَالِدَيْنَ وَالْأَقْرَبَيْنَ ۝ إِنْ يَكُنْ غَنِيًّا أَوْ فَقِيرًّا فَاللَّهُ أَوْلَىٰ بِهِمَا ۝ فَلَا تَتَّبِعُوا الْهَوْلَىٰ إِنْ تَعْدِلُوا ۝ وَإِنْ تُلْوِنَا أَوْ تُعْرَضُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا ۝

²⁵Qur'an, Surah Al-Baqarah (2) :195

“O believers! Stand firm for justice as witnesses for Allah even if it is against yourselves, your parents, or close relatives. Be they rich or poor, Allah is best to ensure their interests. So do not let your desires cause you to deviate ‘from justice’. If you distort the testimony or refuse to give it, then ‘know that’ Allah is certainly All-Aware of what you do”.²⁶

This verse establishes that truth and justice must transcend personal benefit and relational loyalty. Therefore, independence and impartiality are essential conditions for maintaining public confidence in the notarial profession.

The obligation to safeguard the interests of the parties in legal acts signifies that a Notary must ensure that legal instruments accurately represent the voluntary intention of all parties, free from coercion, fraud, misrepresentation, or procedural irregularity. The Notary’s role is not merely technical but also involves providing legal protection for individuals who may lack adequate understanding of the legal implications of their decisions. In Islamic social ethics, promoting the well-being and rights of others is a moral obligation. This is reflected in the Qur’anic command:

يٰ أَيُّهَا الَّذِينَ آمَنُوا لَا تُحْلِّوْنَا شَعَّاَيٰ إِلَّا وَلَا الشَّهْرُ الْحَرَامُ وَلَا الْهُدَىٰ
وَلَا الْفَلَّاَيٰ إِلَّا وَلَا اِمْمَنُ الْبَيْتَ الْحَرَامَ يَتَنَعَّمُ فَضْلًا مِنْ رَبِّهِمْ وَرِضْوَانًا
فَوَإِذَا حَلَّتُمْ فَاصْطَادُوا ۖ وَلَا يَجْرِمَنَّكُمْ شَنَائِنُ قَوْمٍ أَنْ صَدُّوكُمْ عَنِ الْمَسْجِدِ
الْحَرَامِ أَنْ تَعْتَدُوا ۖ وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ ۖ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ
وَالْعُدُوْنَ اَمْوَالُهُمْ ۖ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

“O believers! Do not violate Allah’s rituals ‘of pilgrimage’, the sacred months, the sacrificial animals, the ‘offerings decorated with’ garlands, nor those ‘pilgrims’ on their way to the Sacred House seeking their Lord’s bounty and pleasure. When pilgrimage has ended, you are allowed to hunt. Do not let the hatred of a people who once barred you from the Sacred Mosque provoke you to transgress. Cooperate with one another in goodness and righteousness, and do not cooperate in sin and transgression. And be mindful of Allah. Surely Allah is severe in punishment”.²⁷

²⁶Qur’ān, Surah An-Nisa (4) : 135

²⁷Qur’ān, Surah Al-Mā’idah (5) : 2

The Notary thus functions as a mediator who ensures that agreements proceed fairly and transparently, reducing potential exploitation and power imbalances between parties.

However, safeguarding interests does not mean advocating on behalf of one party or influencing the balance of legal obligations. Rather, it means ensuring that no party is harmed due to ignorance, misunderstanding, or deliberate manipulation. The Qur'an warns firmly against unjust enrichment and immoral transactions:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُنْذِلُوا بِهَا إِلَى الْحُكَمِ لِتُنْكِلُوا فَرِيقًا مِّنْ أَمْوَالِ
النَّاسِ بِالْأَلْمِ وَأَنْتُمْ تَعْلَمُونَ ﴿١٨﴾

“Do not consume one another’s wealth unjustly, nor deliberately bribe authorities in order to devour a portion of others’ property, knowing that it is a sin”.²⁸

This principle forms the moral basis for ensuring that all legal acts remain free from illegitimacy and injustice. Thus, safeguarding the interests of the parties is directed toward ensuring substantive fairness in legal relationships, not merely formal or procedural adequacy.

Taken together, these principles demonstrate that the office of the Notary is not merely legal in nature, but also profoundly ethical. The Notary occupies a central role in maintaining clarity, certainty, and order within society’s legal framework. When a Notary neglects the principles of trustworthiness, honesty, thoroughness, independence, impartiality, and protection of parties’ interests, the profession risks degeneration into a mechanism of collusion, document manipulation, or fraudulent legal practices that threaten societal stability. Therefore, a Notary bears dual responsibility: legal accountability before the state and moral accountability before God. The Qur'an affirms:

كُلُّ نَفْسٍ مُّبِينٌ بِمَا كَسَبَتْ رَهِينَةٌ

²⁸Qur'an, Surah Al-Baqarah (2) : 188

“Every soul will be detained for what it has done”,²⁹

This verse underscores that actions undertaken in a professional capacity are also subject to ultimate moral judgment.

Accordingly, the ethical obligations in the notarial profession should not be viewed as mere bureaucratic requirements but as fundamental conditions for sustaining the integrity of the legal system. These principles form the moral identity of the profession and maintain the balance between the legal authority granted to the Notary and the trust vested in them by society. A Notary who fulfills their duties with trustworthiness, honesty, diligence, independence, impartiality, and protective concern for all parties does not merely enforce legal norms they actualize the substantive ideals of justice and public welfare that underpin both Islamic law and national legal systems. Thus, notarial integrity is not simply a virtue; it is the foundational condition upon which legal certainty and social order depend.

3.3. Ethical Enforcement as a Guardian of Professional Honor and Public Legal Legitimacy

The Notary Code of Ethics serves as an ethical compass that directs the conduct of the profession. Its enforcement is therefore not a supplementary or administrative formality, but a mechanism for preserving public trust. When ethical violations occur, the consequences extend beyond individual misconduct, they threaten the legitimacy of the legal order itself. Haryatmoko asserts that public integrity is the quality of conduct demonstrated by an individual or organization that aligns with the values, standards, and moral rules accepted by members of the

²⁹Qur'an, Surah Al-Muddathir (74) : 38

organization and by society.³⁰ Ethical enforcement is thus an expression of moral constitutionality within the legal state.

Within this framework, the Regional Supervisory Council (Majelis Pengawas Daerah/MPD) plays a decisive role. Under Articles 67-70 of the Notary Office Law, the MPD is authorized to: (a). supervise the exercise of notarial duties, (b). examine alleged violations of professional ethics, (c). investigate complaints from the public, and (d). recommend sanctions to higher supervisory bodies (MPW/MPP). The MPD therefore functions as the first line of ethical accountability. If the MPD is weak, the entire national oversight system becomes symbolic rather than effective.

From a juridical perspective, the Regional Supervisory Council for Notaries (MPD) qualifies as an administrative officer of the state because it performs governmental functions derived from statutory attribution. The MPD is not established as a professional association but as an administrative organ created by the state to supervise the exercise of the notarial office. Its collegial composition does not diminish its public character; rather, the combination of government officials, academics, and notaries reflects a shared-authority model commonly used in oversight bodies to ensure objectivity in decision making. Thus, the MPD operates not merely as an ethical forum but as an administrative mechanism exercising regulatory functions under public law.

The MPD performs governmental functions through the formal powers granted by the Notary Office Law. It is authorized to receive public complaints, examine alleged violations, request statements, verify notarial protocols, and issue administrative findings. All these acts constitute *bestuursdaden* acts of public administration because they produce legal consequences for notaries and other interested parties. Decisions rendered collectively still meet the criteria of a *beschikking*:

³⁰Haryatmoko. Etika Publik untuk Integritas Pejabat Publik dan Politisi. (Yogyakarta: Kanisius, 2015). Hlm. 98.

written, concrete, individual, and final. Consequently, MPD decisions may become objects of litigation before the Administrative Court if they are alleged to violate the general principles of good governance.

Functionally, the MPD exercises administrative oversight to ensure the professionalism of notaries as public officials and to safeguard legal certainty for users of notarial services. This supervisory function does not interfere with the independence of notaries but instead provides a governmental mechanism to maintain the integrity of a public office that produces authentic deeds as conclusive legal evidence. Accordingly, the MPD, acting collegially, performs governmental duties through structured, objective, and legally mandated supervision that strengthens the legitimacy of state administration within the sphere of private legal services.³¹

3.4. Contemporary Structural and Functional Challenges of the MPD

Empirical research indicates that the MPD faces several institutional limitations, including:

Structural/Functional Issue	Resulting Impact
Dependence on professional associations	Potential conflict of interest and collegial bias
Limited investigative capacity and funding	Slow and shallow examination processes
Lack of digital oversight infrastructure	Low transparency and risk of administrative irregularities
Inconsistent ethical sanction standards across regions	Reduced predictability in enforcement outcomes

To be a good organizer of the legal profession in carrying out its professional duties in upholding the law requires practitioners who have the qualifications of attitude, humanity, attitude of justice, able to see and

³¹Adjie, Habib. Majelis Pengawas Notaris Sebagai Pejabat Tata Usaha Negara. (Bandung: Refika Aditama, 2011). Hlm. 42.

place objective values in the cases handled, honest attitude, and the maturity of technical skills and ethics.³²

The existence of the Electronic Notary Monitoring Information System facilitates the Regional Supervisory Council in performing its supervisory functions, as all notarial data and performance records are documented within the system and can be evaluated to determine the notary's compliance in carrying out official duties.³³

3.5. The Ideal Authority Model of the Regional Supervisory Council (MPD)

The Regional Supervisory Council (Majelis Pengawas Daerah/MPD) serves as the primary supervisory authority overseeing notarial duties in Indonesia. Its institutional foundation and jurisdiction derive from Articles 67-70 of Law No. 30 of 2004 on the Position of Notary, as amended by Law No. 2 of 2014. These provisions mandate the MPD to receive complaints, examine alleged ethical or administrative violations, and recommend disciplinary measures to higher supervisory bodies.³⁴

Empirical findings indicate a considerable discrepancy between *lex lata* (the law as written) and *lex practica* (the law in practice): regional

³²Yustica, Anugrah, Ngadino Ngadino, and Novira Maharani Sukma. Peran Etika Profesi Notaris Sebagai Upaya Penegakan Hukum. Notarius 13, no. 1 (2020): 60-71.<https://doi.org/10.14710/nts.v13i1.29162>,<https://ejournal.undip.ac.id/index.php/notarius/article/view/29162/16813>. Accessed November 13, 2025.

³³Putri Diva Nan Pramudita. Peran Majelis Pengawas Daerah Dalam Pengawasan Notaris Melalui Implementasi Siemon Di Kabupaten Sleman. Officium Notarium 2, no. 1 (2023): 110-119.

<https://doi.org/10.20885/JON.vol2.iss1.art12.>,<https://journal.uji.ac.id/JON/article/view/25541/14569>. Accessed November 13, 2025.

³⁴Hetharie, Yared, Merry Tjoanda, and Novyta Uktolseja. Fungsi Pengawasan Majelis Pengawas Daerah Terhadap Penegakan Kode Etik Notaris. PAMALI: Pattimura Magister Law Review 2, no. 2 (2022): 161-171.<https://doi.org/10.47268/pamali.v2i2.849>,<https://flukum.unpatti.ac.id/jurnal/pamali/article/view/849/pdf>. Accessed November 13, 2025. Dwi Kukuh Verdyandika, Shinta Hadiyantina, Endang Sri Kawuryan, Kewenangan Majelis Pengawas Daerah Notaris terhadap Protokol Notaris yang Telah Berumur 25 Tahun atau Lebih, Jurnal Mercatoria 14, no. 2 (2021): 77-87, <https://doi.org/10.31289/mercatoria.v14i2.5559>,<https://ojs.uma.ac.id/index.php/mercatoria/article/view/5559/pdf>. Accessed November 13, 2025.

studies show that the MPD often functions as a mere administrative custodian of notarial protocols rather than a substantive ethics tribunal. Such reduction of function undermines both the deterrent effect of professional accountability and the legitimacy of state oversight over a quasi-public profession.

The conceptual framework of an ideal supervisory model for the MPD must rest on four cardinal legal principles: independence, to ensure impartiality beyond collegial bias; proportionality, to align disciplinary sanctions with the gravity of ethical breach; transparency and accountability, to make MPD decisions reviewable and auditable; and due process, to guarantee procedural fairness for all parties. Comparative analyses of professional oversight bodies in various legal systems affirm that the effectiveness of supervision is not determined by statutory presence alone but by institutional capacity, professional secretariats, investigative competence, and digital case tracking. Without such infrastructure, the MPD remains a bureaucratic desk rather than an ethical oversight institution.³⁵

Assigning exclusive authority for ethical enforcement to the Indonesian Notary Association (Ikatan Notaris Indonesia/INI), without maintaining external state supervision, poses legitimacy risks. Professional organizations are competent to provide education, training, and policy advocacy, but complete internalization of disciplinary power tends to generate corporate solidarity bias. Empirical studies reveal that internal settlements often prioritize the preservation of professional image over deterrence, thereby weakening public confidence. Consequently, the ideal authority model must balance state oversight (via

³⁵Hetharie, Yared, Merry Tjoanda, and Novyta Uktolseja. *Fungsi Pengawasan Majelis Pengawas Daerah Terhadap Penegakan Kode Etik Notaris*. Hlm. 170.

MPD, MPW, MPP) and professional autonomy (via INI), establishing a complementary rather than substitutive relationship.³⁶

Limiting the role of the Regional Supervisory Council (MPD) to mere administrative verification centered on archival inspection, record maintenance, and procedural compliance diminishes the substantive mandate enshrined in Article 70 of the Notary Act, which explicitly authorizes the examination of ethical misconduct. The critical perspective advanced by Habib Adjie³⁷ regarding the authority of the Regional Supervisory Council (Majelis Pengawas Daerah/MPD) asserts that the MPD should not be vested with the power to examine alleged violations of the Notarial Code of Ethics. This is because the notarial professional organization already possesses its own internal institutional mechanism to adjudicate ethical breaches committed by its members. The MPD's authority is confined to supervisory functions as mandated by the Notary Office Act, whereas the Notarial Honorary Council holds the authority to enforce the provisions of the Notarial Code of Ethics. This institutional delineation is consistent with Article 83(1) of the Notary Office Act, which stipulates that the notarial professional organization is responsible for establishing and enforcing the notarial code of ethics. While administrative management of notarial protocols remains vital for ensuring document traceability and institutional accountability, it should function as an entry point to a deeper ethical inquiry. Empirical evidence shows that when MPD investigations terminate at the administrative level, their recommendations lose normative force and deterrent impact, thereby weakening the integrity of notarial ethics enforcement.

³⁶Triana Handayani, Felicitas Sri Marniati, Andrea Septiyani, Efektivitas Pengawasan Majelis Pengawas Daerah dalam Mengurangi Pelanggaran Notaris Terhadap Pelaksanaan Jabatannya, *Jurnal Nuansa Kenotariatan* 4, no. 2 (2019): 91-102, <http://dx.doi.org/10.31479/jnk.v4i2.179>, https://ejournal.jayabaya.ac.id/index.php/Nuansa_Notariat/article/view/179/pdf. Accessed November 13, 2025. M. Y. Pratama, and A. Silviana, Peranan Majelis Pengawas Notaris Terhadap Pelaksanaan Kode Etik Notaris, *Notarius* 16, no. 2 (2023): 861-869, <https://doi.org/10.14710/nts.v16i2.42125>, <https://ejournal.undip.ac.id/index.php/notarius/article/view/42125/pdf>. Accessed November 13, 2025.

³⁷Adjie, Habib. Majelis Pengawas Notaris Sebagai Pejabat Tata Usaha Negara. Hlm. 8

A transformation of MPD's function from administrative compliance to substantive oversight requires structural reform. This includes establishing a national e-protocol system for document registration and case tracking; forming a permanent professional secretariat staffed with non-notary investigators, legal researchers, and IT forensic experts; and adopting Standard Operating Procedures (SOPs) that classify violations and standardize sanction ranges. Comparative research indicates that supervisory bodies equipped with professional secretariats demonstrate greater independence and procedural integrity.³⁸

The Netherlands implements a more modern and independent notarial oversight system by involving institutions such as the Koninklijke Notariële Beroepsorganisatie, the Kamer voor het Notariaat, and the Bureau Financieel Toezicht.³⁹ This system enables transparent, professional, and continuous supervision through self-reporting mechanisms and periodic audits that strengthen a culture of accountability. In addition, the active role of professional associations in conducting collegial evaluations further reinforces the integrity and overall quality of notarial practice.

An ideal sanction mechanism integrates a severity index categorizing violations by gravity with restorative and retributive principles. Administrative warnings should apply to minor infractions, while temporary suspension, professional fines, or license revocation should apply to serious ethical misconduct undermining legal certainty. Empirical analyses reveal inconsistent sanction patterns among MPD, MPW, and MPP levels due to the absence of standardized sanction

³⁸Dedy Mulyana, Implementasi Kewenangan Majelis Pengawas Notaris Terhadap Pelaksanaan Putusan Pengadilan Yang Membatalkan Akta Otentik, *Acta Diurnal Jurnal Ilmu Hukum Kenotariatan* 6, no. 1 (2022): 99-111, <https://doi.org/10.23920/acta.v6i1.1294>, <https://jurnal.fh.unpad.ac.id/index.php/acta/article/view/1294/571>. Accessed November 13, 2025.

³⁹Fahmi Ihsan Margolang and Dewi Mayaningsih, Sistem Pengawasan Profesi Notaris di Indonesia dan Belanda: Studi Komparatif atas Mekanisme Akuntabilitas dan Etika Jabatan, Desentralisasi : *Jurnal Hukum, Kebijakan Publik, dan Pemerintahan* 2, no. 3 (2025): 116-119, <https://doi.org/10.62383/desentralisasi.v2i3.838>, <https://ejournal.appihi.or.id/index.php/Desentralisasi/article/view/838/888>. Accessed November 13, 2025.

matrices. Therefore, a codified sanction index within national SOPs is necessary to enhance proportionality and uniformity.⁴⁰

The ideal MPD authority model integrates continuous professional ethics education to promote a proactive culture of compliance. Empirical findings demonstrate that prevention-based approaches ethics workshops, peer review, and periodic internal audits reduce violations more effectively than punitive systems alone. The MPD, in collaboration with INI, should co-manage these programs while retaining oversight autonomy. Ethical education, when standardized and enforced, reshapes collegial solidarity into professional accountability.⁴¹

Institutional accountability requires calibrated transparency. The MPD should publish redacted summaries of its decisions, outlining legal reasoning while protecting personal data. Establishing a protected whistleblowing mechanism is also essential to facilitate reporting while safeguarding informants. Empirical research indicates that partial transparency combined with confidentiality protections increases both deterrence and public trust in notarial ethics enforcement.⁴²

The Indonesian Notary Association (INI) remains vital for maintaining professional ethics, but it cannot substitute the state's oversight function. INI's proper role is complementary: providing ethics materials, continuing education, and policy input. The MPD, conversely, must retain formal authority for disciplinary hearings and

⁴⁰Pratiwi Ayuningtyas, Sanksi Terhadap Notaris dalam Melanggar Kode Etik, Repertorium: Jurnal Ilmiah Kenotariatan 9, no. 2 (2020): 95-104. <https://doi.org/10.28946/rpt.v9i2.637>, <https://journal.fh.unsri.ac.id/index.php/repertorium/article/view/637>. Accessed November 13, 2025.

⁴¹Irwan Saleh Indrapradja, Problematika Peran dan Fungsi Majelis Pengawas Daerah Notaris, Jurnal Litigasi 19, no. 2 (2018): 213-230, <https://doi.org/10.23969/litigasi.v19i2.2102>, <https://journal.unpas.ac.id/index.php/litigasi/article/view/2102/1022>. Accessed November 13, 2025.

⁴²Putri Diva Nan Pramudita, Peran Majelis Pengawas Daerah Dalam Pengawasan Notaris Melalui Implementasi Siemon Di Kabupaten Sleman, Jurnal Officium Notarium 2, no. 1 (2022): 110-119, <https://doi.org/10.20885/JON.vol2.iss1.art12>, <https://journal.uji.ac.id/JON/article/view/25541/14569>. Accessed November 13, 2025.

recommendations to ensure legitimacy under public law.⁴³ This dual but complementary model reinforces checks and balances combining professional insight with governmental legitimacy.

To achieve both independence and efficiency, the ideal MPD authority model should: (a) codify investigative powers and sanctions in a national regulation; (b) establish a professional secretariat and digital case system; (c) standardize a national sanction index; (d) maintain periodic transparency through published summaries; and (e) institutionalize INI's role strictly in ethical education, not adjudication. These reforms would restore the legitimacy of supervision, ensure proportional discipline, and uphold the notarial office's dignity as a public trust under Articles 15-16 and 67-70 of the Notary Act. Foundational insights from Habib Adjie emphasize that ethical integrity is the soul of legal certainty without it, the authenticity of notarial acts loses meaning.

4. Conclusion

The enforcement of notarial ethics forms the fundamental basis for maintaining the dignity, integrity, and legitimacy of the notarial profession as a public office entrusted with state authority to produce authentic legal documents. In practice, however, the Regional Supervisory Council often operates merely as an administrative body that prioritizes archival inspection and procedural verification, rather than conducting substantive evaluations of ethical compliance. Such a narrow operational interpretation creates a persistent disparity between *lex lata* and *lex practica*, resulting in weakened deterrence and declining public confidence in the supervisory system. To restore the substantive integrity of ethical enforcement, the Regional Supervisory Council must be transformed into a functional ethics adjudicator

⁴³Adjie, Habib. Hukum Notaris Indonesia: Tafsir Tematik Terhadap UU Nomor 30 Tahun 2004 Tentang Jabatan Notaris. (Bandung: Refika Aditama, 2014). Hlm. 161. The Regional Supervisory Council for Notaries is limited in its examination authority to matters involving notarial deeds as the object of supervision.

capable of assessing notarial conduct through legal, moral, and professional standards. An ideal authority framework requires three mutually reinforcing elements: normative effectiveness to ensure consistent application of ethical norms; institutional independence to prevent external influence from organizational or political interests; and procedural accountability supported by transparent, objective, and time-bound mechanisms. Additionally, the effectiveness of supervision depends on the integration of the Regional Supervisory Council oversight with the Ethics Council of the Indonesian Notary Association within a coordinated ethical governance model that aligns administrative review with moral evaluation. Through this integrated and principled structure, the Regional Supervisory Council can effectively safeguard notarial honor and reinforce public trust in Indonesia's legal order.

The policy implications emphasize the urgent need to reconstruct the normative authority of the Regional Supervisory Council by empowering it to conduct substantive ethical reviews beyond administrative oversight. Strengthening Regional Supervisory Council members' capacity through continuous ethical and investigative training, establishing an integrated ethics supervision system with the Indonesian Notary Association, and implementing digitalized, transparent reporting mechanisms are crucial. Reaffirming notarial ethics as the soul of the profession, not a procedural formality, will enable the Regional Supervisory Council to function effectively, independently, and accountably, upholding professional integrity and reinforcing Indonesia's rule of law.

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3. Legislation and Regulation:

Law Number 2 of 2014 concerning the Amendment to Law Number 30 of 2004 on the Position of Notary

Law Number 30 of 2004 on the Position of Notary

Regulation of the Minister of Law and Human Rights Number 15 of 2020 concerning Procedures for the Examination by the Supervisory Council of Notaries