

Legal Certainty in the Exercise of Sanctioning Authority by the Notary Supervisory Council under the Indonesian Notary Office Act

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Abstract

This study examines legal certainty in the exercise of sanctioning authority by the Notary Supervisory Council under the Indonesian Notary Office Act (UUJN). The Council – comprising the Regional Supervisory Council (MPD), the Provincial Supervisory Council (MPW), and the Central Supervisory Council (MPP) is entrusted with preventive and repressive supervisory powers, including examining alleged violations and imposing administrative sanctions. However, ambiguities in the scope and coordination of sanctioning authority have led to inconsistent enforcement practices and raised concerns regarding legal certainty. Previous studies mainly examine supervisory structure, but rarely analyze sanction enforcement from a legal certainty perspective. Using a normative juridical method with statutory and conceptual approaches grounded in legal certainty theory, this research evaluates the coherence of the regulatory framework governing sanctions. This article argues that overlapping authority, procedural complexity, and interpretative inconsistencies weaken the principle of legal certainty and potentially affect both notarial protection and public trust. Strengthening regulatory clarity and institutional coordination is therefore essential to ensure consistent, proportional, and legally certain sanction enforcement.

INTRODUCTION

A notary is a public official granted authority by the state to draw up authentic deeds and exercise other powers as stipulated in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 on the Notary Office (hereinafter referred to as UUJN). The existence of notaries is crucial in the operation of civil law in Indonesia, as the deeds they produce serve as authentic evidence that carries full legal force.¹ Therefore, the implementation of notarial duties and authorities must be subject to strict supervision by the state to prevent abuse of office.

In the Indonesian legal system, supervision of notaries is normatively regulated in the UUJN. Article 67 paragraph (1) of the UUJN stipulates that supervision of notaries is carried out by the Minister, in this case the Minister of Law and Human Rights.² However, in practice, the Minister delegates this supervisory authority to a specific body known as the Notary Supervisory Council (Majelis Pengawas Notaris). Such delegation is essential, considering the increasing number of notaries across Indonesia, making direct supervision by the Minister impractical. The Notary Supervisory Council functions as the supervisory organ over the performance of notarial duties and acts as the extension of the Ministry in conducting professional oversight.³

The UUJN establishes that the Notary Supervisory Council consists of three levels: the Regional Supervisory Council (MPD), the Provincial Supervisory Council (MPW), and the Central Supervisory Council (MPP).⁴ Each level has distinct functions and authorities but is hierarchically linked. The MPD is authorized to conduct examinations on alleged violations committed by notaries within its jurisdiction. The MPW has the authority to conduct further examinations if there are objections to decisions made by the MPD, as well as to carry out supervisory functions at the provincial level. Meanwhile, the MPP handles supervisory matters at the national level, including disputes or objections to decisions made by the MPW. This multi-level structure is intended to ensure that supervision is effective, proportional, and aligned with principles of accountability.

¹ Ramadhan, Irpan. "Analisis Terkait Akta Otentik Sebagai Alat Bukti Dalam Perkara Hukum Perdata." *Al-Dalil: Jurnal Ilmu Sosial, Politik, Dan Hukum* 2.3 (2024): 32-37.

² Anwary, Ichsan. "Pendampingan Hukum Terhadap Notaris Sebagai Terlapor Dalam Pemeriksaan Oleh Majelis Pengawas Daerah Notaris." *Jurnal Kolaboratif Sains* 8.6 (2025): 3562-3572.

³ Fatriansyah, Fatriansyah. "Peran Majelis Pengawas Wilayah Notaris Dan Majelis Kehormatan Notaris Terhadap Pembinaan dan Pengawasan Notaris Dalam Undang-Undang Nomor 2 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris." *Legalitas: Jurnal Hukum* 14.2 (2023): 291-298.

⁴ Meta, Yuneli. "Implementasi Peran Pengawasan Dari Majelis Pengawas Daerah Notaris Terhadap Larangan Membuka Kantor Cabang Bagi Notaris." *Jurnal Hukum Kenotariatan Otentik's* 7.2 (2025): 281-297.

The involvement of the Ministry of Law and Human Rights in the supervision of notaries is reflected in the composition of the Supervisory Council. The UUJN stipulates that the council consists of representatives from the government (represented by officials from the Ministry), the notary professional organization (Indonesian Notary Association), and academia.⁵ Through this structure, notary supervision is not merely internal to the profession but holds strong legal legitimacy as an exercise of state authority consistent with the position of notaries as public officials holding public mandates.

Normatively, the authority of the Supervisory Council under the UUJN encompasses two principal aspects: supervision and sanction enforcement.⁶ In terms of supervision, the Council is authorized to conduct routine inspections of notarial protocols, summon notaries to provide explanations when alleged violations arise, and receive public reports concerning suspected misconduct by notaries. Regarding sanction enforcement, the UUJN grants the Council authority to impose sanctions on notaries who are proven to have violated statutory regulations or the code of ethics. Article 85 of the UUJN specifies the sanctions, which include verbal warnings, written warnings, temporary suspension, honorable discharge, and dishonorable discharge. These sanctions are imposed through examination mechanisms at the appropriate supervisory level. For minor violations, sanctions may be imposed directly by the MPD, while more serious violations are examined hierarchically up to the MPP. This layered system provides internal control in sanction enforcement, ensuring that decisions are objective and accountable.

However, in practice, several issues arise regarding the authority of the Supervisory Council in supervising and imposing sanctions on notaries. Although the UUJN outlines the supervisory mechanism, there remain fundamental weaknesses, particularly in sanction enforcement. Article 85 UUJN indeed enumerates the types of sanctions that may be imposed, but it does not specify the classification of violations corresponding to each type of sanction.⁷ As a result, sanction application often lacks consistency and depends on the subjective interpretation of the Supervisory Council.

The regulation only lists sanctions in general terms without distinguishing between minor administrative violations and serious administrative violations. In the absence of

⁵ Marbun, Monalisa, Wira Franciska, and Refki Ridwan. "Kewenangan dan Sanksi Majelis Pengawas terhadap Pelanggaran Jabatan Notaris." *Themis: Jurnal Ilmu Hukum* 2.1 (2024): 31-39.

⁶ Meta, Y. (2025). Implementasi Peran Pengawasan Dari Majelis Pengawas Daerah Notaris Terhadap Larangan Membuka Kantor Cabang Bagi Notaris. *Jurnal Hukum Kenotariatan Otentik's*, 7(2), 281-297.

⁷ Candra, Arifin Samuel, and Bruce Anzward. "Pertanggungjawaban Hukum Bagi Notaris Terhadap Aktanya Yang Mengandung Keterangan Palsu." *Journal de Facto* 8.2 (2022): 122-144.

explicit provisions classifying violations and correlating each with an appropriate sanction, enforcement becomes inconsistent across different regions. Notaries in one region may face harsher or more lenient sanctions for identical violations compared to notaries in another region. This inconsistency creates legal uncertainty. Thus, regulatory reform is needed not only to list sanctions but also to detail categories of violations and their corresponding sanctions.

Legal theory explains that such a condition is strongly inconsistent with the principle of legal certainty. According to Gustav Radbruch, one of the fundamental values of law is certainty, alongside justice and expediency.⁸ Legal certainty requires the existence of clear, firm, and predictable rules so that every individual can understand the legal consequences of their actions. When a legal provision in this case the UUJN only stipulates the types of sanctions without specifying the categories of violations associated with each sanction, the principle of legal certainty is not fulfilled. As a result, neither the public nor notaries can accurately predict the legal consequences they may face when a violation occurs. In this context, it is important to reaffirm the position and authority of the Supervisory Council based on the UUJN. Articles 70 to 82 of the UUJN specifically regulate the functions, composition, and authorities of the Supervisory Council from regional to central levels. These provisions provide the legal framework for supervision and sanction enforcement but indicate that further enhancement is required, particularly in terms of implementing regulations, human resources, and coordination with the Ministry of Law and Human Rights.

The absence of clear norms regarding violation classification results in inconsistent decisions by the Supervisory Council. Although Articles 70 to 82 UUJN provide procedural and organizational guidelines, they do not offer substantive guidance concerning violation categories. Consequently, each supervisory level has considerable discretion in interpreting the severity of violations. The urgency of this research increases in light of the expanding role of notaries amid societal and economic development. Notaries today are involved not only in traditional deeds such as land sales or loan agreements but also in modern business transactions, establishment of legal entities, and electronic agreements. This complexity heightens the risk of violations, making strong supervision by the Supervisory Council increasingly essential.

Therefore, this research emphasizes that supervision of notaries through the Supervisory Council is fundamental to maintaining the integrity of the notarial office.

⁸ Afdhali, Dino Rizka, and Taufiqurrohman Syahuri. "Idealitas Penegakkan Hukum Ditinjau Dari Perspektif Teori Tujuan Hukum." *Collegium Studiosum Journal* 6.2 (2023): 555-561.

Although the UUJN provides a legal framework for supervision, various practical issues remain and must be studied in depth. The involvement of the Ministry through the Supervisory Council is the principal mechanism ensuring that the authority granted by the UUJN is exercised effectively, consistently, and transparently. Research on the authority of the Notary Supervisory Council in supervision and sanction enforcement under the UUJN is expected to provide a more comprehensive understanding and concrete recommendations for improving the notary supervisory system in Indonesia.

METHOD

This study employs a normative legal research method, which focuses on examining statutory regulations, doctrines, and relevant literature in order to analyze the authority of the Notary Supervisory Council and the mechanism of sanction enforcement under the Notary Office Law (UUJN). The approaches used include the statute approach, by reviewing the provisions of Law Number 2 of 2014 concerning the Notary Office (UUJN) along with its implementing regulations, and the conceptual approach, which is utilized to examine legal concepts related to supervision, sanctions, and legal certainty in the notarial profession. The collected legal materials are then analyzed using a juridical qualitative analysis method, namely by elaborating and systematically interpreting the legal materials obtained to answer the research questions. The results of the analysis are presented in a descriptive-analytical manner, explaining the applicable legal norms and their relevance to the practice of notarial supervision.

RESULTS AND DISCUSSION

1. The Authority of the Notary Supervisory Council in Carrying Out Supervisory Functions over Notaries According to the Provisions of the Notary Office Law (UUJN)

Notaries, as public officials, hold an important role in the field of civil law, particularly in the drafting of authentic deeds. The existence of notaries is specifically regulated in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 on the Notary Office (UUJN).⁹ Authentic deeds made by notaries possess perfect evidentiary value, thus significantly contributing to legal protection and legal certainty for the public. The notarial office is a position of trust granted by the state to certain individuals to prepare

⁹ Nurjanah, Anita. "Substansi Prinsip Profesionalisme Dalam Peran Notaris Sebagai Pejabat Umum Terhadap Pembuatan Akta Autentik." *Cakrawala Repositori IMWI* 6.2 (2023): 1028-1036.

authentic deeds and carry out other duties as stipulated by statutory regulations.¹⁰ Authentic deeds made by notaries hold a very important position within the Indonesian legal system, as such deeds are formally and materially binding and serve as perfect evidence before the law. Therefore, the existence of a notary does not only concern the interests of individuals entering into agreements but also relates to legal certainty, public order, and legal protection for society at large.

Due to its strategic nature, the notarial office is vulnerable to misuse, whether in the form of abuse of authority, violations of the code of ethics, or criminal acts. For this reason, the Notary Supervisory Council was established as an external supervisory body authorized to provide guidance, supervision, and disciplinary enforcement upon notaries. This supervisory function is crucial to ensure the professionalism, integrity, and accountability of notaries. In order to maintain the integrity, professionalism, and accountability of the notarial office, the Notary Office Law (UUJN) provides clear regulations concerning the mechanism of supervision over notaries. Article 67 of the UUJN states that supervision over notaries is conducted by the Minister of Law and Human Rights, but the implementation of such supervision is delegated to a special body known as the Notary Supervisory Council.¹¹ The legal basis governing the existence and authority of the Notary Supervisory Council is explicitly provided in several regulatory instruments. First, Law Number 30 of 2004 on the Notary Office as amended by Law Number 2 of 2014 provides the normative foundation that supervision over notaries is essentially conducted by the Minister of Law and Human Rights, but the implementation is delegated to the Notary Supervisory Council as stipulated in Article 67 of the UUJN. Second, to regulate technical procedures, composition of membership, working mechanisms, and procedures for the dismissal of members, the Minister of Law and Human Rights issued Regulation Number M.02.PR.08.10 of 2004 concerning the Procedures for Appointing Members, Dismissing Members, Organizational Structure, and Working Procedures of the Notary Supervisory Council, although this regulation has since been amended several times.¹² Third, supervision is not only administrative in

¹⁰ Putri, Rada Yulia. "Asas Kemandirian Notaris Berdasarkan Undang-Undang Nomor 2 Tahun 2014 Tentang Perubahan Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris." *Journal of Comprehensive Science (JCS)* 4.3 (2025).

¹¹ Mintarsih, Etin, Dhody AR Widjaja Atmadja, and Achmad Fitrian. "Kepastian Hukum Terhadap Kewenangan Majelis Kehormatan Notaris Terkait Pengambilan Fotokopi Minuta Akta Dan Pemanggilan Notaris Oleh Penyidik Penuntut Umum Dan Hakim." *Journal of Innovation Research and Knowledge* 4.10 (2025): 7743-7752.

¹² Ramadhandiko, Difqa Alvi, and Kayus Kayowuan Lewoleba. "Tinjauan Yuridis Pemanfaatan Media Sosial sebagai sarana Promosi Online oleh Notaris sebagai Pelanggaran Kode Etik." *Media Hukum Indonesia (MHI)* 3.3 (2025).

nature but also touches on ethical and moral aspects of the profession; therefore, the Notary Code of Ethics established by the Indonesian Notary Association (INI) also serves as a guideline in assessing the conduct and integrity of notaries in performing their duties. Thus, it is understood that the legal foundation of the Notary Supervisory Council positions it not merely as an administrative body performing bureaucratic functions, but also as an ethical and disciplinary body intended to uphold the dignity and professionalism of the notarial office.

The structure of the Notary Supervisory Council as regulated in the UUJN is organized in layers and hierarchical levels consisting of the Regional Supervisory Council (MPD), the Regional-Level Supervisory Council (MPW), and the Central Supervisory Council (MPP). The Regional Supervisory Council (MPD) is established at the district or city level, with members originating from the government, the notary organization, and academia. The MPD has the authority to conduct routine inspections of notarial protocols, carry out incidental examinations in cases where reports exist, and grant leave to notaries for a certain period. Above it is the Regional-Level Supervisory Council (MPW), established at the provincial level, possessing higher authority than the MPD, such as examining appeals against MPD decisions, granting approval for the temporary appointment of substitute notaries, and recommending sanctions for serious violations committed by notaries. At the highest level is the Central Supervisory Council (MPP), located in Jakarta, which functions to formulate national supervisory policies, resolve disciplinary cases forwarded by the MPW, and provide recommendations to the Minister of Law and Human Rights regarding the dismissal of notaries from office. This layered supervisory system demonstrates a checks-and-balances mechanism, ensuring that supervisory decisions are not absolute at a single level but may be reviewed and examined by a higher level, thus ensuring more objective, comprehensive, and accountable oversight of notaries.

The authority of the Supervisory Council encompasses two principal forms: preventive supervision and repressive supervision. Preventive supervision is conducted to prevent violations by notaries. This is carried out through routine inspections of notarial protocols, educational outreach, and guidance aimed at ensuring that notaries consistently perform their duties in accordance with the prevailing laws. Article 70 of the UUJN states that the MPD is authorized to conduct periodic inspections of notarial protocols at least once a year.¹³ Such preventive inspections are not only administrative

¹³ Hutaauruk, Rufinus Hotmaulana, et al. "Efektivitas Majelis Pengawas Daerah Notaris Kota Batam dalam Peningkatan Layanan Notaris Sebagai Pejabat Umum." *Repertorium: Jurnal Ilmiah Hukum Kenotariatan* 10.1 (2021): 28-48.

but also relate to the fulfillment of substantive obligations of notaries, such as the obligation to store the minuta of deeds, prepare registers of wills, and read deeds before appearers as required by Article 16 paragraph (1) of the UUJN.

Meanwhile, repressive supervision is conducted when there is an alleged breach of notarial duties. Article 70 of the UUJN regulates that the MPD is authorized to receive reports from the public or other parties concerning alleged violations committed by notaries. These reports are then followed up with an examination to determine the validity of the allegations. If the examination indicates a violation, the MPD may issue an oral or written warning, or in more serious cases, submit a recommendation to the MPW for further examination.

Article 73 of the UUJN affirms that the Supervisory Council has the authority to impose sanctions on notaries proven to have committed violations of their professional duties. These sanctions are imposed progressively according to the severity of the violation, ranging from warnings to dismissal.¹⁴ This authority is crucial because without a supervisory mechanism equipped with the power to impose sanctions, supervision would lose its effectiveness. In other words, the Supervisory Council functions not only as an administrative body but also as a disciplinary authority for the notarial profession. Furthermore, Article 77 of the UUJN regulates in greater detail the types of sanctions that may be imposed by the Supervisory Council. These sanctions are arranged hierarchically and proportionally according to the severity of the violation. Article 85 of the UUJN then reaffirms the forms of sanctions that may be imposed, namely oral warnings, written warnings, temporary dismissal, honorable dismissal, and dishonorable dismissal.¹⁵ The existence of this layered sanction system embodies the principle of proportionality in law, where sanctions imposed must correspond to the degree of fault committed by the notary.

The authority of the Supervisory Council in enforcing sanctions is closely related to the regulation of notaries' obligations and prohibitions in the UUJN. Article 16 of the UUJN contains obligations of notaries, such as the obligation to store the minuta of deeds as part of the notarial protocol (Article 16 paragraph (1)(b)), prepare registers of wills (Article 16 paragraph (1)(i)), and read the deed before appearers and witnesses (Article 16 paragraph (1)(m)). Violations of these obligations may lead to administrative sanctions

¹⁴ Putra, Guntur Ilman, Siti Hasanah, and Firzhal Arzhi Jiwantara. "Penguatan Kewenangan Majelis Pengawas Wilayah Notaris dalam Pembinaan dan Pengawasan Notaris." *Indonesia Berdaya*4.2 (2023): 679-688

¹⁵ Jufri, Supriadi, Herson Thioriks, and Rezki Purnama Samad. "TANGGUNG JAWAB NOTARIS ATAS PEMBUATAN AKTA PERJANJIAN NOMINEE PEMEGANG SAHAM DALAM PENDIRIAN PERSEROAN TERBATAS." *Borneo Law Review*9.1 (2025): 52-76.

or temporary suspension. On the other hand, Article 17 of the UUJN sets forth prohibitions for notaries, such as the prohibition on performing duties outside their jurisdiction (Article 17 paragraph (1)(a)), holding concurrent positions as a state official or advocate (Article 17 paragraph (1)(e)), and engaging in disgraceful conduct (Article 17 paragraph (1)(i)). If a notary is proven to have violated these prohibitions, the Supervisory Council may impose strict sanctions, including dishonorable dismissal.

In addition to performing supervisory functions related to compliance with the UUJN, the Supervisory Council plays an important role in upholding the dignity of the notarial profession. The notarial office is a public office entrusted with public confidence. Therefore, any violation committed by a notary is not merely an administrative breach but also has the potential to undermine public trust in the notarial institution. Through its authority, the Supervisory Council ensures that notaries fulfill their duties with integrity, professionalism, and accountability.

The hierarchical structure of the Supervisory Council (MPD, MPW, MPP) also reflects the principle of checks and balances in the supervisory mechanism. If a notary objects to the sanctions imposed by the MPD, he/she may file an appeal to the MPW, and subsequently to the MPP. This is affirmed in Article 73 paragraphs (2) and (3) of the UUJN. The appeal mechanism serves as a form of legal protection for notaries to prevent arbitrariness in the imposition of sanctions. With the hierarchical supervisory system, it is expected that sanctions will be imposed objectively, proportionally, and based on thorough examination.

However, in practice, the authority of the Supervisory Council is not free from challenges. Several studies have found that the supervisory process is often hindered by lengthy bureaucracy, resulting in delays in sanction enforcement and reducing its deterrent effect. Additionally, the presence of members from the notary organization within the Supervisory Council may create potential conflicts of interest and diminish the Council's independence. Moreover, the lack of transparency in publishing the results of the Council's examinations is another obstacle in realizing accountability in supervision.

Despite these challenges, the Supervisory Council remains an essential pillar in the supervisory system of the notarial profession in Indonesia. The UUJN provides a strong legal foundation, particularly through Articles 67, 68, 70, 73, 77, and 85, which clearly regulate the structure, authority, and sanction mechanisms of the Supervisory Council. With stronger regulations, enhanced independence, and the use of technology to digitize notarial protocols, the authority of the Supervisory Council can be optimized to better uphold notarial professionalism.

Thus, the authority of the Notary Supervisory Council in carrying out supervisory functions over notaries as regulated in the UUJN includes the authority to conduct preventive supervision through periodic inspections, repressive supervision through examination of violation reports, authority to impose administrative sanctions up to dismissal, and authority to provide recommendations to the Minister for more severe sanctions. This authority is essentially an important instrument in maintaining the integrity of the notarial profession, ensuring legal certainty, and protecting the interests of the public as users of notarial services.

Based on the above description, it can be concluded that the authority of the Notary Supervisory Council as regulated in the UUJN is a vital instrument in maintaining the professionalism, accountability, and integrity of notaries. With its layered structure consisting of the MPD, MPW, and MPP, the Council possesses broad authority ranging from routine inspections, handling reports, granting leave, to recommending permanent dismissal. The supervisory function encompasses preventive, repressive, and developmental aspects, thus focusing not only on imposing sanctions but also on enhancing the quality of the notarial profession. Nevertheless, the implementation of supervision still faces obstacles such as limited resources, potential conflicts of interest, lengthy bureaucracy, and lack of transparency. Therefore, institutional reform, strengthening of procedural regulations, and the use of technology are needed to ensure that supervision becomes more effective. Consequently, the existence of the Notary Supervisory Council is expected to ensure that the notarial profession is truly carried out in accordance with legal norms, based on ethics, and capable of guaranteeing fair legal certainty for society.

2. The Mechanism of Sanction Enforcement by the Notary Supervisory Council Against Notaries Who Commit Occupational Violations Based on the UUJN from the Perspective of Legal Certainty

The initial stage of sanction enforcement against notaries begins with the Regional Supervisory Council (Majelis Pengawas Daerah/MPD). Pursuant to Article 70 letter b of the Notary Law (Undang-Undang Jabatan Notaris/UUJN), MPD has the authority to conduct periodic examinations of notaries at least once a year, as well as incidental examinations if there are reports from the public or relevant institutions. This authority is important because the MPD is at the regional level, making it closer to the daily activities of notaries.¹⁶ In addition, Article 70 letter g of the UUJN affirms that MPD is

¹⁶ Mariel, Aurora Aldwita, and Putri Ediana Wulandari. "Pengawasan Terhadap Kewajiban Notaris Yang Meninggalkan Wilayah Jabatan Dan Tidak Menjalankan Jabatannya." *Jurnal Syntax Admiration* 6.3 (2025): 1437-1453.

authorized to receive reports from the public regarding alleged occupational violations committed by notaries, which must then be examined.¹⁷ If the examination reveals minor violations, MPD may directly issue verbal or written warnings to the notary concerned. However, if more serious violations are found, MPD is required to submit recommendations to the Regional Supervisory Council (Majelis Pengawas Wilayah/MPW) for further examination.

The role of the MPW constitutes an important stage in the supervisory structure over notaries. As stipulated in Article 73 paragraph (1) of the UUJN, the MPW is vested with the authority to impose written warnings, propose temporary dismissal to the Minister, or forward recommendations to the Central Supervisory Council (Majelis Pengawas Pusat/MPP) if the notary's violation is considered severe. This authority indicates that MPW holds a strategic position, not only performing supervisory functions but also responding to violations that require prompt action in order to safeguard the integrity of the notarial profession. Furthermore, Article 73 paragraph (2) of the UUJN affirms that MPW is also authorized to review and decide appeals against decisions issued by MPD.¹⁸ This authority shows that MPW performs a dual function as a supervisory body at the regional level and as a quasi-judicial institution handling objections filed by notaries against first-level decisions. In this context, MPW serves as a corrective mechanism, allowing decisions by MPD that are perceived as unfair or inappropriate to be reassessed through the appeal process. This aligns with the principle of legal protection afforded to every citizen, including notaries, ensuring that they receive equal opportunity in disciplinary proceedings.

The existence of MPW with its appellate function also reflects a spirit of democratization within the supervision of legal professions. Notaries, as public officials bearing substantial responsibilities in providing legal services, are granted space to defend their rights through an appeal procedure. Accordingly, MPW plays a central role in balancing the public's interest in competent notarial services with the notary's interest in protection against arbitrary decisions.

The next stage in the supervisory hierarchy is the Central Supervisory Council (Majelis Pengawas Pusat/MPP). Under Article 73 paragraph (3) of the UUJN, the MPP

¹⁷ Al-azizi, Wahdan Ahnaf, et al. "Kewenangan Majelis Pengawas Notaris Daerah (MPD) dalam Pengawasan Kode Etik Notaris Pasca Putusan Mahkamah Konstitusi Nomor: 49/PUU-X/2012." *Logika: Jurnal Penelitian Universitas Kuningan* 13.01 (2022): 19-27.

¹⁸ Sembiring, Agnes Lorentina Br, et al. "Akibat Hukum Terhadap Notaris Yang Dinyatakan Pailit Ditinjau Berdasarkan Undang-Undang Nomor 2 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris (Studi Putusan Nomor: 20/Pdt. Sus-Pkpu/2020/Pn Niaga Sby)." *Jurnal Intelek Insan Cendikia* 2.2 (2025): 1951-1966.

has the authority to provide recommendations to the Minister regarding severe sanctions, specifically honorable dismissal or dishonorable dismissal. As the highest supervisory body, MPP serves as the final forum for notaries to file objections against MPW decisions. MPP does not only serve as the highest appellate body but also ensures that recommendations for severe sanctions are truly based on careful, objective examinations supported by strong evidence. In practice, MPP often includes academics, practitioners, and government officials, embodying the principle of checks and balances within the supervisory process. With multilayered involvement from MPD to MPW to MPP, the supervisory mechanism becomes more accountable and is not dependent on a single institution.

This checks and balances principle is crucial in the context of the notarial profession. As public officials, notaries possess extensive authority, and the documents they produce (authentic deeds) carry perfect evidentiary value.¹⁹ Therefore, allegations of occupational violations must be examined carefully and in stages to prevent the criminalization of the profession or abuse of authority by supervisory bodies. In this regard, MPP acts as the final safeguard to ensure that supervisory decisions are fair, balanced, and not detrimental to any party. The final stage in the supervisory process is the ultimate decision, which lies with the Minister of Law and Human Rights. Article 85 of the UUJN regulates the types of sanctions that may be imposed on notaries, namely: (a) verbal warning, (b) written warning, (c) temporary dismissal, (d) honorable dismissal, and (e) dishonorable dismissal. This range of sanctions demonstrates a tiered system from the mildest to the most severe.²⁰

The application of this progressive sanction system reflects the principle of proportionality in administrative law. This principle requires that every sanction imposed must be proportionate to the severity of the violation. For example, minor administrative violations such as delayed submission of the notarial protocol may be subject to verbal or written warnings, while serious violations such as abuse of authority or ethical breaches with wide-reaching consequences may warrant dishonorable dismissal. Thus, the Minister's final decision reflects not only a repressive aspect but also an educational one, aiming to correct the notary's conduct without necessarily jeopardizing their professional career. The Minister's authority in issuing the final

¹⁹ Nurjanah, Anita. "Substansi Prinsip Profesionalisme Dalam Peran Notaris Sebagai Pejabat Umum Terhadap Pembuatan Akta Autentik." *Cakrawala Repositori IMWI* 6.2 (2023): 1028-1036.

²⁰ Juniresta, Adheria, Budi Santoso, and Hanif Nur Widhiyanti. "Implikasi yuridis putusan pailit terhadap profesi notaris menurut peraturan perundang-undangan di Indonesia." *Jurnal Cakrawala Hukum* 12.1 (2021): 1-10.

decision also highlights the administrative hierarchy within the oversight of the legal profession. However, this authority is not absolute because the Minister's decision must be based on MPP recommendations. This mechanism enhances transparency and accountability in the supervisory process.

The multi-tiered supervisory mechanism involving MPD, MPW, MPP, and the Minister demonstrates that the UUJN seeks to balance two equally important interests: the public's interest in trustworthy legal services and the notary's interest in obtaining legal protection while performing their duties. From the perspective of legal certainty, this supervisory structure reflects the rule of law principle, which places law as the primary instrument for assessing alleged violations. With clear norms in the UUJN regarding the authority and stages of sanction enforcement, both the public and notaries can understand the applicable procedures, potential sanctions, and the competent bodies for decision-making. This prevents uncertainty caused by inconsistent supervisory practices or subjective rulings.

Moreover, the proportionality principle embodied in the tiered sanction system strengthens legal certainty. Each violation is assessed based on its severity, allowing sanctions to be rationally accepted by both the public and the notary concerned. This principle also ensures that supervision is not merely punitive but also corrective and preventive. However, in practice, challenges remain, such as limited human resources within the Supervisory Councils, lengthy examination processes due to multilayered procedures, and potential overlaps of authority between supervisory levels. Therefore, strengthening the institutional capacity of the Supervisory Council through continuous training, increased transparency, and the optimization of digital systems in examination processes is necessary. In this way, the supervisory mechanism can operate more effectively, efficiently, and continue to ensure legal certainty for all parties involved.

CONCLUSION

This study concludes that although the UUJN establishes a structured supervisory and sanctioning mechanism through the MPD, MPW, MPP, and the Minister, the regulatory framework still contains normative ambiguities that affect legal certainty in sanction enforcement. The distribution of authority among supervisory levels, the formulation of sanction categories, and the procedural standards for decision-making are not sufficiently detailed, leading to interpretative inconsistencies and uneven application in practice. Such ambiguity risks undermining both the protection of notaries and public trust in the supervisory system. From a legal certainty perspective, clarity, consistency, and predictability are essential elements in administrative sanctioning. However, the

UUJN does not provide a clear classification of violations based on measurable criteria, nor does it establish uniform standards of proof or nationally binding sentencing guidelines. As a result, the proportionality of sanctions may vary depending on interpretation at different supervisory levels.

This article therefore proposes three regulatory improvements. First, a codified classification of violations into minor, moderate, and serious categories with objective indicators to ensure proportionality. Second, the formulation of standardized evidentiary thresholds and procedural safeguards to prevent arbitrary decisions. Third, the development of national sanctioning guidelines applicable across all supervisory councils to harmonize enforcement practices. Through these reforms, the supervisory system can better realize legal certainty, fairness, and accountability in the governance of the notarial profession.

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